Mitigation and Resource Protection Program Oversight Committee

Environmental Oversight Committee

January 15, 2014

Orange County Transportation Authority
600 S. Main Street, Orange CA

9:00 a.m. to 10:30 a.m.
Room 103/04

AGENDA

1. **Welcome**

2. **Approval of Nov. 20, 2013 Minutes**

3. **Property Acquisition Update**
   Marissa Espino, OCTA

4. **Staff Update**
   Lesley Hill and Monte Ward, OCTA

5. **Resource Management Plan Presentation**
   Lesley Hill, OCTA

6. **Public Comments**

7. **Committee Member Reports**

8. **Next Meeting – TBD**

9. **Closed Session**
   Pursuant to Government Code Section 54956.8 to discuss the price and terms of payment for the acquisition of the following real properties.

Public Comments: The Agenda descriptions are intended to give notice to members of the public of a general summary of items of business to be transacted or discussed. Members from the public wishing to address the Committee will be recognized by the Chairman at the time the Agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes. Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA at (714) 560-5725, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

The negotiator for OCTA is Dan Phu. The negotiators for the real properties are as specified.

Real Property	Geographic Area	Assessor's Parcel Number	Owner's Negotiator	Acreage
Aliso Canyon	Coastal	056-240-66	John Mansour	150
Irvine Mesa Corridor	Cleveland Nat'l	105-060-02, 105-060-09, 105-060-19, 105-051-36, 876-011-02, 876-011-03, 876-011-19, 876-011-07, 876-011-08, 876-011-11, 876-011-18, 105-051-18, 876-021-15, 876-021-04, 876-021-05, 105-051-33, 105-051-21, 105-051-57, 105-201-12, 105-201-11	David Meyers	670
Holtz Ranch (CCRC Farms LLC)	Cleveland Nat'l Forest	876-034-01, 876-041-01, 105-051-83, 105-051-84, 105-051-85, 105-070-93	Brad Schnepf	327.9
MacPherson	Cleveland Nat'l Forest	105-051-06, 105-051-08	Craig MacPherson	216.7
Mitchell Properties West	Trabuco	842-081-12	Steven U. Parker	101.7
Saddleback Meadows	Trabuco	856-071-01/09, 856-072-01/51, 856-073-01/58, 856-074-01/45; 856-075-01/57, 856-081-01/11, 856-082-01/44, 856-083-01/46, 856-084-01/37, 856-085-01/41, 856-086-01/37, 856-091-02/11, 856-092-01/42, 856-093-01/25, 856-094-01/34, 856-095-01/62, 856-096-01/57, 856-097-01/34, 856-098-01/37	William Fleissig	222
Sky Ranch	Trabuco	842-021-4, 05, 07, 08 and 842-031-04, 05, 08, 09	Dave and Michael Eadie	526.9
Takahashi (Baker Square LLC)	Cleveland Nat'l Forest	105-051-12	Carl Reinhart	643
Watson	Trabuco	858-021-10, 11	Dave and Michael Eadie	98.3

10. Adjournment

Public Comments: The Agenda descriptions are intended to give notice to members of the public of a general summary of items of business to be transacted or discussed. Members from the public wishing to address the Committee will be recognized by the Chairman at the time the Agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes. Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA at (714) 560-5725, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

Measure M2 Environmental Oversight Committee

November 20, 2013
Meeting Minutes

Committee Members Present:
Chair Patricia Bates, OCTA Board of Directors
Vice-Chair Melanie Schlotterbeck, Measure M Support Groups
Lori Donchak, OCTA Board of Directors
Chris Flynn for Sylvia Vega, Caltrans
Nancy Jimeno, California State University, Fullerton
Philip La Puma, Measure M2 Taxpayers Oversight Committee
David Mayer, CA Department of Fish and Wildlife
Derrek McGregor, Public Member
Dan Silver, Endangered Habitats League
Jonathan Snyder, US Fish and Wildlife Services

Committee Member(s) Absent:
Veronica Chan, US Army Corps of Engineers
Dave Means, California Wildlife Conservation Board

Orange County Transportation Authority Staff Present:
Marissa Espino, Senior Strategic Communications Specialist
Lesley Hill, Project Manager
Janice Kadlec, Public Reporter
Dan Phu, Environmental Programs Manager
Monte Ward, Measure M Consultant

Guests
Gloria Sefton, Saddleback Canyon Conservancy

1. **Welcome**
   Chair Patricia Bates called the Environmental Oversight Committee (EOC) meeting to order at 8:30 a.m. She asked Philip La Puma to lead the Pledge of Allegiance.

2. **Approval of the September 4, 2013 Minutes**
   A motion was made by Melanie Schlotterbeck, seconded by Lori Donchak, and passed unanimously to approve the September 4, 2013 EOC meeting minutes as presented.

3. **Fall 2013 Wilderness Preserve**
   Marissa Espino reported OCTA conducted a wilderness preserve tour at Ferber Ranch on Saturday, Nov. 17, 2013. They had a good crowd of approximately 100 people and good hiking weather. It was a great opportunity to invite everyone onto

the property and share information about the mitigation program. OCTA may do this again in the spring.

Monte Ward noted that the equestrian groups were self-guided and commended the equestrian group leaders who helped plan the equestrian tour.

Melanie Schlotterbeck said several people commented to her on how great it was to have the mounted enforcement units from the Sherriff's department there.

4. NCCP/HCP and EIR/EIS Presentation

Dan Phu and Lesley Hill gave a presentation on the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and Environmental Impact Report/Environmental Impact Statement (EIR/EIS). The presentation was given in preparation for release of the NCCP/HCP and EIR/EIS for public comment in the early part of 2014. This would not have been possible without the support and leadership of the EOC and the OCTA Board of Directors. Upon endorsement by the EOC, the recommendation will go to the OCTA Board of Directors in early 2014 to seek authorization to release the NCCP/HCP and EIR/EIS for a 90-day public comment period.

Monte Ward clarified while the Resource Management Plans (RMP) should be completed on a concurrent schedule with the NCCP/HCP, it is not specifically part of the action taken to approve the Conservation Plan.

Monte Ward also touched on the portion of the report describing Property Land Managers. He said this means OCTA is basically "on the hook" and responsible for proper maintenance and implementation. Regardless of whether there is a third party land manager or the title of the property is transferred to another entity and/or a portion of all of the funds are transferred to another entity – OCTA is still responsible for performance and meeting the obligations of the plan.

Chair Patricia Bates asked how long would this be. Monte Ward said in perpetuity. It is very important to understand this when future recommendations are brought forward on how the endowment should be set up, what assumptions are being made, who is going to be managing the properties, etc. The resource agencies will be looking at this and OCTA will have this responsibility.

Chair Patricia Bates asked if the Plan Administrator was the same as the overall responsible person. Monte Ward said basically yes. It would be OCTA's recommendation that OCTA maintain the overall responsibility and the ability to carry it out. One of the ways to do this is to hold a conservation easement for the property or to have control over the funding or resources.

Lesley Hill said the Plan does layout a description of the roles of responsibility and this includes a role for the EOC. There will be specific actions and input required of

the EOC. The EOC would have an active role in the process before going to the OCTA Board.

Chair Patricia Bates said she believed it would be very important for the OCTA Board to really understand this. She believed the EOC is viewed currently as not a standing committee but an ad hoc committee. Going forward with the new responsibilities such as oversight of the Plan Administrator and others she suggested educating the OCTA Board because of the turnover on the Board. Monte Ward said they are planning to make presentations to the Board Committees and the Board on this particular matter. This is the time to start the dialog and to be clear as to what the responsibilities will be going forward and where the responsibilities are placed.

Dan Phu presented an estimate of what would be required for the long term management of the properties. Monte Ward said the information brought forward by Dan Phu was a working estimate for the endowment. It is higher than what was estimated two years ago. The reason for this is some of the properties have issues with access and encroachment. There will be further input on what the number will be and it will come from continued experience in managing the property in the interim period, it will come from doing an analysis on each property (e.g., PAR), and it will come from some sort of agreement with the long term land manager which specifies what they are going to do and what it will cost. In every step they refine the costs and get a tighter bead on what the final number will be.

Monte Ward said there is a revenue stream for Measure M through the sales tax. A portion of this is carved out and identified as the revenue stream for this program. A portion of this has been set aside for this program. That revenue stream is going to pay for future expenses which will include interim management, some of the restoration projects, other expenses, and depositing money on an annual basis until enough money is deposited for the endowment. There will be an eight to 10 year period where expenditures need to be made leading towards completing this package.

Chair Patricia Bates asked if this would include any additional acquisitions. Monte Ward said this would be something to be looked at during this period – what is being done in terms of additional acquisition. At the end of the period once everything is set up – what do you do going forward. Essentially the obligations will have been met under the NCCP/HCP and there will be future revenues which are not required to meet these obligations. This will require an additional policy discussion.

Chair Patricia Bates asked if money could be moved into the water quality program. Monte Ward said if any money is moved within the plan the Taxpayer's Oversight Committee must endorse it as well as two-thirds of the OCTA Board.

Lori Donchak suggested when the long term preserve management goes to the Finance and Administration Committee to be as conservative as possible with the line

item. Monte Ward said he understands this and he feels they should also be clear they are using working numbers. They want to demonstrate to the public and the resource agencies they have the capacity to adequately manage these properties because they have a revenue stream that can create the endowment. Before the money is spent on something else, they want to make sure they are covering their obligations. Lori Donchak also added that having been involved with the O'Neill Land Conservancy, she thought the cost for land management might be closer to a magnitude of at least one to one.

Melanie Schlotterbeck asked for a clarification. Is the $8 million over the next two years what is needed for the interim management and $30 million more will be asked for to total $38 million in management? Monte Ward said the $8 million includes expenses going forward about ten years. Dan Phu said setting up the account for the endowment is going to take eight to 10 years to accumulate, even with the $30 million. While the account for the endowment is being set up they will need to use the existing revenue for annual operating costs. The $8 million includes money spent up to this point for the five properties acquired and up to a 10-year period for future acquisitions as well as those they have actually acquired.

Melanie Schlotterbeck asked if they foresaw the future restoration activities also overlapping with the Regional Water Quality Control Board. Monte Ward said some of them could and they are making a real effort to get "bang for the buck." They have made some recent tours with the Army Corps of Engineers to both restoration and acquisition sites and we are getting credit for some of the work.

Melanie Schlotterbeck said in the next call for projects for restoration projects they need to be strategic in what they are asking for. Monte Ward said absolutely and going forward this will be the benchmark – what is the strategy dictated by the Plan as well as the Regional Board and the Corps of Engineers. Added to this, they need to make sure they can appropriately manage the preserve properties going forward.

Melanie Schlotterbeck asked if the $30 million figure being discussed is for year 10 into perpetuity. Monte Ward said yes, and the endowment needs to be large to manage into perpetuity.

Melanie Schlotterbeck said from the conservation community's point of view the NCCP/HCP was the mechanism OCTA chose to conserve these properties. It is important to note even though the goals and objectives of the Conservation Plan have been met it still does not meet the M2 Ordinance objectives which state $243.5 million has been set aside for acquisition, restoration, and management. This will be an important discussion in the future.

Dan Silver asked what the projection of $134 million at the bottom of the future revenues chart signified. Monte Ward said the current projection is a little under $300 million in escalated dollars and the $134 is nominal dollars. There are substantial

additional revenues but they are not available today; they are available in the future. In order to do additional activities within the scope of this would require borrowing against future revenues.

Dan Silver asked about future borrowing. Monte Ward said that is not part of the NCCP/HCP. They have obligated themselves to meet the requirements and goals of the NCCP/HCP using M2 funds and putting the acquisitions and restorations against those obligations. They need to get the Plan approved and implementing agreements done and the funding needs to be identified and secured. The current spreadsheet addresses this. A future spreadsheet can be developed about what happens after these obligations have been met. The important point right now is to identify that OCTA has the ability to meet the Conservation Plan obligations with this level of funding.

Dan Silver said he understood and this is fine. He just didn't want to see any of the money leave the program; he wanted to keep the option of borrowing on future revenue open. He is worried someone may see extra money and want to move it to another project.

Dan Silver asked if they needed to put all the endowment money in this early. Monte Ward said the longer we wait to put it in the longer it takes to get to a sufficient level for interest earnings. It is an accounting or spreadsheet exercise; whether the money is put in early or late, the cost still need to be paid. OCTA's initial assessment is to put it in early, get it done, get it to a point where it might be earning interest. Dan Silver asked if there might be a trade off – you might have less money to buy land. Monte Ward said they are trying to keep the endowment number as low as possible and still meet the obligations.

Dan Silver discussed his views on bare bones management and OCTA's role of being a second eye. He felt public access resulted in higher costs for management and did not feel it was M2's job to fund this. If OC Parks wanted to have public access they should fund it – it is not M2's job and it should not be part of the endowment.

Monte Ward said they have always looked at public access and the costs associated with it as what is necessary to protect the resources expended to protect the habitat and species the land was purchased for. The reason it becomes more costly when public access is involved is because not everyone follows the rules. This can be helped by having trained docents, having a managed access program, or having partnerships with the neighboring communities so that they buy in to the habitat and species.

Chair Patricia Bates said there needs to be a balanced approach and this can be done by developing a set of guiding principles which go to the OCTA Board after being approved by the EOC. Her job is to reflect what the Board might say from their perspective and then to bring the EOC's perspective to the Board and try to blend

them. She said she thought there could be an issue with purchasing more land if the requirements for the mitigation of the Freeway Program were already met. This puts a bigger obligation on the long term goal of the OCTA. This is where finding guiding principles and getting them to the Board for their acceptance is critical. She believes they need to start with the EOC with guiding principles regarding access and what should be done with the additional money. More acquisition puts a big responsibility in perpetuity on an agency whose responsibility is building roads and providing mobility. They have an obligation to meet the resource agencies requirements. How much beyond that for the mitigation of a road does the group have? What is the guiding principle that reflects what the taxpayers wanted? Let us not separate the EOC from the water quality portion of M2 – everybody's front door flows to the ocean.

(Chair Patricia Bates left the meeting at this point for another meeting and Vice – Chair Melanie Schlotterbeck chaired the rest of the meeting.)

Dan Silver asked if the need to not only subsidize mitigation but to enhance mitigation was built into the NCCP/HCP. Dan Phu said yes, this is a component of the initial findings of the document. David Mayer agreed the answer was yes. With respect to covered species, each species was looked at both individually and also to what is happening in Orange County – how things connect and how the system works better because of the OCTA Environmental Program. The financial aspect in section 6 on leveraging future money has been very much on their minds.

Derek McGregor asked if the NCCP/HCP was the guidelines for the restoration and if the Resource Management Plan (RMP) was the implementation of those guidelines. Monte Ward said the Conservation Plan or the NCCP/HCP sets out what is being done in terms of creating a preserve and doing restoration to deal with the impacts of the freeway projects and has a net contribution towards the conservation of the affected species. Out of this comes an implementing agreement everyone signs off on. The RMP is a tool used to describe property by property how the obligations will be met and how the properties will be managed. It is a separate document for each property and a separate process in terms of development, but it comes out of what is described in the Conservation Plan and what is being agreed to in the implementing agreement. They go forward and set up a structure for management, OCTA will not be the managers of the property. There will be third parties who do this. There will be some arrangement on how the endowment is held. There will be a conservation easement put over each of the preserves, decisions on who holds the conservation easement, decisions on who actually has title to the property, and other details which will be addressed as they go forward.

Derek McGregor asked if the Conservation Plan has to be in place before the RMP. Monte Ward said they feel they have sufficient information through the draft Conservation Plan to start developing the RMP for each of the properties and have started this process. David Mayer added the NCCP/HCP provided a framework for management of the properties. How it plays out on any individual property reflects

what that property's needs are for species, connectivity, public use, and all that goes with it. For the NCCP/HCP permit to be issued by the State, findings need to be made and one of which is whether an adaptive management plan will be part of the program.

Melanie Schlotterbeck asked if the NCCP/HCP would be on the OCTA website in January 2014. Staff agreed it should be available by early 2014.

A motion was made by Lori Donchak, seconded by Nancy Jimeno, and passed unanimously to:

A. Endorse the Release of the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and Draft Environmental Impact Report/ Environmental Impact Statement (DEIR/EIS) for a 90-day public comment period.

B. Direct staff to prepare a long-term expenditure plan of the Environmental Mitigation Program funds for review by the Environmental Oversight Committee and the Finance and Administration Committee.

   Vice-Chair Melanie Schlotterbeck asked if the EOC would like to reactivate the Ad Hoc subcommittee on habitat impacts. It might prove helpful to brainstorm some of the things that came up today. Jonathan Snyder, Dan Silver, Dave Mayer, and Melanie Schlotterbeck volunteered for the subcommittee. Staff will set up the subcommittee and report back at the next EOC meeting.

5. Staff Report

Dan Phu reported back on comments made at the September EOC meeting on security at the Ferber Ranch property.

6. Public Comments

Gloria Sefton, co-founder of Saddleback Canyon Conservancy: Addressed her concerns about the fencing in Trabuco Canyon. Large animals are becoming entangled in the "five wire" fencing now being used to replace the previous "three wire" fencing.

Gloria also asked about the 13 transportation projects. Is there a quantitative balance between the 950 acres that have been acquired and/or restored and the 13 projects? Jonathan Snyder responded that the NCCP/HCP covers and explains the accounting of the proposed impacts (freeway projects) and proposed mitigation (acquisition properties and restoration projects).

7. Committee Member Reports

Vice-Chair Melanie Schlotterbeck reported the Orange County Business Council has an award ceremony this evening and Friends of Harbors Beaches and Parks has

nominated OCTA and its Environmental Mitigation Program for the sustainability award.

Nancy Jimeno introduced one of her students who was attending the EOC meeting as part of her College Political Science requirement to attend a community meeting. She applauded the student for attending the meeting.

8. Next Meeting – TBD

The next EOC meeting will be determined at a later date.

9. Closed Session

The EOC adjourned to Closed Session at 10 a.m.

Pursuant to Government Code Section 54956.8 the EOC adjourned to discuss the price and terms of payment for the acquisition of the following real properties.

The negotiator for OCTA is Dan Phu. The negotiators for the real properties are as specified.

Real Property	Geographic Area	Assessor's Parcel Number	Owner's Negotiator	Acreage
Aliso Canyon	Coastal	056-240-66	John Mansour	150
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Takahashi (Baker Square LLC)	Cleveland Nat'l Forest	105-051-12	Carl Reinhart	643
Watson	Trabuco	858-021-10, 11	Dave and Michael Eadie	98.3

10. Adjournment

Closed session adjourned at 10:30 a.m. and there were no further actions reported in public session.

OCTA

January 6, 2014

To: Executive Committee

From: Darrell Johnson, Chief Executive Officer

Subject: Release Natural Community Conservation Plan/Habitat Conservation Plan and Draft Environmental Impact Report/Environmental Impact Statement

Overview

Measure M2 provides funding for programmatic mitigation to off-set impacts of Measure M2 freeway projects. The Natural Community Conservation Plan/Habitat Conservation Plan, along with a Draft Environmental Impact Report/Environmental Impact Statement demonstrates that sufficient conservation is being provided to address the biological mitigations related to the Measure M2 freeway projects. These documents are ready to be circulated for public review with the direction of the Orange County Transportation Authority Board of Directors.

Recommendations

A. Authorize release of the Natural Community Conservation Plan/Habitat Conservation Plan and Draft Environmental Impact Report/ Environmental Impact Statement for a 90-day public comment period.

B. Direct staff to prepare a long-term expenditure plan for the Environmental Mitigation Program funds for review by the Environmental Oversight Committee and the Finance and Administration Committee.

Background

The Orange County Transportation Authority's (OCTA) Environmental Mitigation Program (Mitigation Program) provides for allocation of at least five percent of the total Measure M2 (M2) freeway budget for comprehensive environmental mitigation for impacts resulting from the freeway improvements.

The Mitigation Program was approved by Orange County voters under the M2 half-cent sales tax for transportation improvements in November 2006.

In August 2007, the OCTA Board of Directors (Board) approved a five-year M2 Early Action Plan, covering the years 2007 to 2012, to advance the implementation of key M2 projects, including the Mitigation Program. In November 2009, the Board approved master and planning agreements to establish a process, roles, responsibilities, and commitments for the preparation of a Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP), along with a Draft Environmental Impact Report/ Environmental Impact Statement (DEIR/EIS). In mid-2010, the Board approved the initiation of the NCCP/HCP planning process. Pursuant to the M2 Ordinance, the Mitigation Program was implemented under both the master and planning agreements between OCTA, the California Department of Transportation (Caltrans), and state and federal resources agencies.

The master agreement set the framework for providing programmatic mitigation for biological impacts related to the 13 M2 freeway improvement projects (covered projects). The approach for this program is to develop and implement a NCCP/HCP, along with a DEIR/EIS. This process helps fulfill the M2 commitment by providing programmatic environmental mitigation to streamline the permit process associated with biological permitting and reduce freeway project delays.

The Mitigation Program is intended to minimize biological regulatory permitting delays in the implementation of the freeway projects. The various forms of mitigation have included acquisition and/or restoration of land for conservation. To date, OCTA has acquired approximately 950 acres of open space lands and funded approximately 400 acres of habitat restoration projects. The acquired lands and funded restoration projects are incorporated into the NCCP/HCP as part of OCTA's mitigation commitment. The conservation strategy also complements existing preserved lands within the County.

This process will offer early and higher-value environmental benefits such as habitat protection, connectivity, and resource preservation in exchange for streamlined and up front project approvals for the freeway projects. As directed in the M2 Ordinance, the Environmental Oversight Committee (EOC), a subcommittee created by the Board, is responsible for making recommendations to the Board on matters related to the Mitigation Program.

Discussion

OCTA has worked closely with the United States Fish and Wildlife Service, the California Department of Fish and Wildlife (wildlife agencies), and Caltrans to develop a comprehensive NCCP/HCP and DEIR/EIS. The NCCP/HCP process examines habitat resources within broad geographic areas and identifies

conservation and mitigation measures to protect those resources consistent with the scale and location of M2 freeway projects.

The main intent of the NCCP/HCP and DEIR/EIS documents is to demonstrate how OCTA is providing for the conservation and management of covered wildlife species within the planning area. Covered wildlife species include threatened, endangered, and species of special concern that are designated by the state and federal endangered species acts. Specifically, these species are potentially affected as part of the 13 M2 covered projects. This will enable OCTA to implement covered projects in a manner that complies with applicable state and federal fish and wildlife protection laws and other environmental laws. This includes the California and federal Endangered Species Acts (ESA), the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

This conservation approach includes the preservation, restoration, and enhancement of natural communities and ecosystems to support the identified M2 NCCP/HCP covered species (covered species) within the planning area. It outlines clear expectations and regulatory assurances regarding the 13 M2 covered projects. The benefit will be a more cost efficient project review process resulting in greater conservation values than project-by-project, species-by-species review.

The key elements of the draft NCCP/HCP are:

- Covered species, projects, and activities
- Conservation targets and biological goals and objectives
- Conservation strategy and analysis
- Preserve management and monitoring
- Plan implementation, assurances, and funding

The NCCP/HCP is meant to demonstrate that OCTA is providing adequate conservation that meet the targets set by the specific goals and objectives developed to cover the biological mitigation needs of the freeway projects, as well as contributing to a net benefit to the covered species. An executive summary is included as Attachment A.

The wildlife agencies will issue permits to OCTA once findings are made based on the NCCP/HCP. This will enable OCTA to streamline the environmental (biological component) review process for each of the M2 freeway projects. If biological mitigation is necessary for the freeway projects, the project specific biological study will provide an analysis of the expected impacts. The biological

study will reference the NCCP/HCP and its' permits in order to meet the mitigation needs.

The NCCP/HCP covers the mitigation needs of the biological permitting processes, which is only a portion of the regulatory requirements. Regulatory permits will also be necessary to comply with the state and federal clean water acts. Staff is working with the State Water Resources Control Board, the Regional Water Quality Control Boards, and the Army Corps of Engineers to develop a similar programmatic process.

The DEIR/EIS analyzes three alternatives: (1) No Project/No Action; (2) proposed NCCP/HCP; and (3) federal and state ESA-listed species only NCCP/HCP (reduced plan). The DEIR/EIS addresses potential impacts associated with the three proposed project alternatives. Based on the initial findings of the DEIR/EIS, the proposed plan would result in no impact, less than significant impacts with mitigation, or beneficial improvement for all environmental resources. An executive summary of the DEIR/EIS including an overall impacts summary for all alternatives is provided in Attachment B. The EOC endorsed the release of the draft NCCP/HCP along with the DEIR/EIS for public review and input at its November 20, 2013 meeting.

Upon direction from the Board, the NCCP/HCP and DEIR/EIS will be released for a 90-day public comment period, as required by the NCCP/HCP planning process, as well as to comply with CEQA and NEPA. The necessary notices will be mailed to the State Clearinghouse, Federal Register, stakeholders, and will be published in local newspapers. OCTA will host two open houses during the comment period – one to be held concurrently with an EOC meeting and another held separately. The dates for the open house meetings are anticipated to occur during the first quarter of 2014. The public comment period will provide an opportunity to encourage participation, gather feedback from stakeholders, and address public concerns. The NCCP/HCP and DEIR/EIS will be available at the OCTA headquarters and on the OCTA website for public review.

Following the public comment period, any comments received will be incorporated into the final NCCP/HCP and EIR/EIS. The final NCCP/HCP will be brought to the Board for adoption, during the early part of 2015.

The NCCP/HCP also outlines the requirements for monitoring and managing the acquired properties (preserves). These preserves will be managed to ensure the long-term health and viability of covered species and ecological values.

The wildlife agencies require that Resource Management Plans (RMPs) are developed for each preserve. The RMPs provide guidelines for the management

of the properties in accordance with the goals and objectives set forth in the NCCP/HCP. The RMPs will provide guidance for the ongoing protection and preservation of the natural resources found within the preserves. In addition, safety issues such as fire protection, as well as accommodating safe access and appropriate recreational use of the site by adjacent property owners and the general public, will be addressed.

It is important to note that the RMPs process is separate from the NCCP/HCP planning process. Typically, the RMPs are expected to be developed within two years of permit issuance, or within two years of the recording of a conservation easement of a preserve. Since public access to the preserves is recognized as an important co-benefit in the Board-approved acquisition criteria, and there has been public interest in these preserves, the RMPs will be released concurrent with the NCCP/HCP and DEIR/EIR. Early completion of the RMPs will also provide a basis for more accurately identifying the specific costs and obligations for long-term management of each preserve. The public will be encouraged to provide input on the RMPs for each preserve on a concurrent schedule with review of the NCCP/HCP.

Funding Requirements

Attachment C outlines the current and anticipated expenditures based on commitments made through the NCCP/HCP planning process. These expenditures include: the cost of the acquisition properties and funded restoration projects; expected funds necessary for long-term management (endowment) of the acquired properties; Early Action Plan financing cost for the Mitigation Program; the cost for developing the NCCP/HCP; and future forecasted expenditures needed for the remaining obligations in fulfilling the NCCP/HCP requirements. These costs are well within the projected total M2 revenues for the Mitigation Program, which is estimated to be just over $300 million.

Funding to address the commitments of the NCCP/HCP is discussed in the document. As a first priority, funds will be needed to meet the remaining commitments of the NCCP/HCP (land acquisition and focused restoration projects).

The M2 freeway projects will also require that OCTA and Caltrans meet regulatory compliance needs of the state and federal regulatory agencies pursuant to the State and Federal Clean Water Acts. M2 Mitigation Program funds will also be utilized to cover these necessary regulatory requirements.

OCTA will also be required to establish an endowment to pay for the long-term management and maintenance costs of the preserves. Estimates of the endowment funding needed are shown in the NCCP/HCP. Over the next

ten years, Mitigation Program revenues will be needed to both pay for ongoing management needs plus contribute to the endowment.

As part of the final approval of the NCCP/HCP, OCTA and the wildlife agencies will enter into an implementing agreement (IA) that determines the obligations and commitments of each party. This IA, in combination with the RMPs for each preserve, will define specific long-term management and maintenance obligations that OCTA must meet.

The acquired properties that will be managed as preserves will also require a long-term land manager/managers. In the next calendar year, while the NCCP/HCP is being reviewed and finalized, staff will begin to outline options and a process for determining the entity (or entities) appropriate for long-term management. These options and the recommended process will be reviewed by the EOC before being presented to the OCTA Board for approval.

Note, the estimated endowment cost could change as OCTA hones in on the long-term management cost of the acquired properties. The objective over the next calendar year is to define the management options and a process for determining a land manager or managers concurrent with the final approval of the NCCP/HCP and its IA. Subsequent to the plan and IA approvals, the preserve properties can be placed under a conservation easement, and agreements can be entered into with a land manager or managers. At this point, all of the financial obligations, including the long-term management costs, associated with the NCCP/HCP can be determined with a high-degree of certainty. Given the endowment is intended to fund the management of the preserve in perpetuity, staff will work with the EOC, Finance and Administration Committee, and ultimately the Board to determine the appropriate investment strategy for the Mitigation Program. Using the current OCTA investment assumptions, the estimated endowment for the Mitigation Program is $56 million.

Staff will continue to work closely with the EOC and the wildlife agencies to effectively identify long-term land managers that will implement the goals and objectives of the NCCP/HCP, and make the appropriate recommendations to the Board. In addition to the interim land management period which provides OCTA some experience and a track record on the cost of managing open-space lands, OCTA will have opportunities to continue to track the land management costs during the anticipated ten-year period to establish the endowment.

Based upon M2 funding projections and current estimates of funding needs for the NCCP/HCP, there will be future revenues under the Mitigation Program of M2 that will be over and above what is necessary to support the NCCP/HCP. During calendar year 2014, staff will develop options for use of such funds for

review and action by the EOC and the Finance and Administration Committee and ultimate approval by the Board.

Summary

OCTA has completed the NCCP/HCP and DEIR/EIS for the 13 freeway improvement projects under M2. The draft documents meet the objectives and goals of NCCP/HCP process. Upon Board direction, staff will circulate the NCCP/HCP and DEIR/EIS for a 90-day public review period.

Over the next calendar year, staff will develop options and a recommended process for determining long-term preserve management. Staff will also develop recommendations for a long-term expenditure plan for the M2 Freeway Mitigation Program funds.

Attachments

A. Pre-Draft Public Review – Orange County Transportation Authority – Measure M2 Natural Community Conservation Plan/Habitat Conservation Plan – December 2013
B. Pre-Draft Public Review – Orange County Transportation Authority – Environmental Impact Report/Environmental Impact Statement – Measure M2 Natural Community Conservation Plan/Habitat Conservation Plan – December 2013
C. Environmental Mitigation Program Current and Anticipated Expenditures

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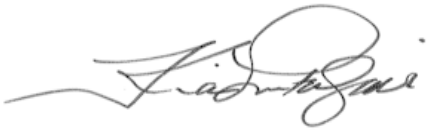

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ORANGE COUNTY TRANSPORTATION AUTHORITY

Release Natural Community Conservation Plan/Habitat Conservation Plan and Draft Environmental Impact Report/Environmental Impact Statement

Attachment A

ATTACHMENT A

Ferber Ranch Preserve

Coastal California Gnatcatcher

Orangethroat Whiptail

Intermediate Mariposa Lily

Mountain Lion at Ferber Ranch Preserve

Cactus scrub restoration at UC Irvine Ecological Reserve

Western Pond Turtle

Pre-Draft Public Review

Orange County Transportation Authority Measure M2 Natural Community Conservation Plan / Habitat Conservation Plan

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November 2013

CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

U.S. FISH & WILDLIFE SERVICE

OCTA

PRE-DRAFT PUBLIC REVIEW

ORANGE COUNTY TRANSPORTATION AUTHORITY M2 NATURAL COMMUNITY CONSERVATION PLAN/HABITAT CONSERVATION PLAN (NCCP/HCP)

This document is a draft for review by the Environmental Oversight Committee (EOC). Additional input and review will be obtained from the Wildlife Agencies before this document is presented to the OCTA Board of Directors and released for public review.

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November 2013

Introduction

In 2006, Orange County voters approved the renewal of Measure M, effectively extending the half cent sales tax to provide funding for transportation projects and programs in the county. As part of the renewed Measure M (or Measure M2), a portion of the M2 freeway program revenues were set aside for programmatic mitigation to offset impacts from the freeway projects in the 13 freeway segments covered by Measure M2. The Orange County Transportation Authority (OCTA) has prepared this Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP or Plan) as a mechanism to offset potential project-related effects on threatened and endangered species and their habitats in a comprehensive manner. The Plan achieves higher-value conservation than what would be expected through project-by-project mitigation in exchange for a streamlined project review and permitting process for the Measure M2 freeway program as a whole.

This Plan fulfills the requirements for issuance of take permits from the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS), collectively referred to as the Wildlife Agencies. OCTA will be the sole Permittee receiving permits from the Wildlife Agencies with terms of 40 years from the date of issuance. The California Department of Transportation (Caltrans), as the owner and operator of the state highway system, will usually be the Construction Lead and will be required to follow all applicable avoidance and minimization measures as described in the Plan. Caltrans will implement freeway improvement projects as an agent or contractor for OCTA and will receive take authorization under the Plan.

As part of an Early Action Plan (EAP), OCTA was able to bond against future M2 revenues to implement conservation actions (Preserve acquisitions and restoration projects) to provide upfront and comprehensive mitigation for effects on sensitive species and their habitats. The identification and selection of Preserve acquisitions and restoration projects was spearheaded by the Environmental Oversight Committee (EOC). The EOC is made up of two OCTA Board members and representatives from Caltrans, Wildlife Agencies, environmental groups, and the public. The goal of the EOC was to identify conservation actions that result in protection and enhancement of habitats that mitigate for potential species effects associated with the M2 funded freeway improvement projects. To date, OCTA has acquired five Preserves resulting in nearly 900 acres of protected natural habitat and approved for funding 11 habitat restoration projects totaling approximately 400 acres. With remaining funds from the EAP and using additional M2 revenue funds as needed, OCTA is committed to acquiring an additional Preserve(s) (resulting in a minimum of 125 acres) and funding additional restoration projects. The Plan establishes priorities for these future restoration projects to help the Plan reach its goals and objectives.

As part of this Plan, a conservation analysis was completed that compares the level of conservation achieved under the Plan with a set of quantifiable targets and broader biological goals and objectives for ensuring conservation actions occur within areas that complement regional conservation goals. The conservation analysis demonstrates that existing conserved lands along with the Preserve acquisitions and restoration projects associated with this Plan, in conjunction with a set of approved avoidance and minimization measures, result in a level of conservation that meets the criteria for CDFW and USFWS to issue take permits under the State Natural Community Conservation Planning Act (NCCPA) and federal Endangered Species Act (ESA), respectively.

Key elements of the Plan are summarized below.

Covered Species (Chapter 1, Section 1.2.3)

The Plan will protect and enhance native biological diversity, habitat for native species, natural communities, and local ecosystems. This broad scope will conserve a wide range of natural resources, including native species that are common or rare. However, the permits issued by the Wildlife Agencies will address a defined set of Covered Species that are currently listed as threatened or endangered or that may become listed during the permit term, that may be impacted by Covered Projects and Activities, and that will benefit from Plan-related conservation and management that provides for conservation of Covered Species. This Plan addresses 13 listed and non-listed species including:

- Plants (3): intermediate mariposa lily, many-stemmed dudleya, southern tarplant
- Fish (1): arroyo chub
- Reptiles (3): coast horned lizard, orangethroat whiptail, western pond turtle
- Birds (4): cactus wren, coastal California gnatcatcher, least Bell's vireo, southwestern willow flycatcher
- Mammals (2): bobcat, mountain lion

Covered Projects and Activities (Chapter 3)

The primary goal of the Plan is to obtain authorization for take of Covered Species under the NCCPA and ESA for the implementation of Covered Projects and Activities. Covered Projects are defined to include all habitat or ground-disturbing impacts resulting from the M2 transportation planning and project implementation process. There are 13 discrete proposed freeway segments in which freeway projects have been identified for coverage under the Plan. These proposed projects are designed to reduce congestion, increase capacity, and improve traffic flow of Orange County's important transportation infrastructure. The freeway improvement projects are, in all instances, along existing freeways and will include lane additions, interchange improvements, and associated facility upgrades. Covered Projects do **not** include the construction of new freeways.

Covered Activities include activities in the Preserves that could result in a small amount of take of Covered Species occurring as a result of ongoing habitat management, restoration, and monitoring activities by Preserve Managers. These routine activities will also be covered by the Plan. In addition, OCTA has made a commitment to allow some public access and passive recreation (e.g., trails for hiking and equestrian use) to the degree that such activities do not conflict and are compatible with the overall goals and objectives of wildlife and habitat protection on the Preserves. Improvements to and, where appropriate, creation of new trails will be covered under the Plan, and public access and passive recreation that is consistent with the Plan will be a compatible use that does not require coverage under the permit because it is not anticipated to result in take of Covered Species.

Estimated Level of Take (Chapter 4)

The allowable amount of take associated with the freeway improvement projects was quantified by overlaying planning-level effect footprints (direct and indirect) on natural communities, predicted species habitat, species occurrences, and designated critical habitat. These footprints represent a worst-case scenario, and actual effects are expected to be less through implementation of avoidance

and minimization measures. A total of **141.0 acres** of natural habitat is estimated to be directly affected, with grasslands the most heavily affected land cover type. Grasslands are especially common in previously disturbed areas, including areas along existing freeway infrastructure. A total of **484.4 acres** of natural habitat occur within the indirect effects footprint (300 feet around the direct effect footprint). The types of indirect effects associated with freeway improvement projects include noise and light pollution, hydrology and water quality effects, introduction and spread of invasive species, degradation of habitat connectivity, risk of fire ignition, and vehicular mortality. Because the Covered Projects are designed to improve existing freeway infrastructure, the indirect effects will represent a slight increase in the existing effects that are already occurring as a result of the original construction of these roadways. The additional effects associated with the Covered Projects represent a negligible increase for the cumulative effects across the Plan Area. The Covered Projects, as defined in the Long Range Transportation Plan Program EIR (2006), are considered growth accommodating and do not represent a growth inducing impact.

Some activities expected to occur as part of the Preserve management and monitoring may adversely affect some Covered Species and natural communities. These effects are expected to be of limited severity and generally temporary. Effects associated with new trail, firebreak or access road, and recreation and management facilities construction may result in permanent effects. For purposes of this Plan, a threshold of **11 acres** was determined to be the maximum amount of effects resulting from these types of activities within the total of all Preserves to be acquired. The threshold of 11 acres represents approximately 1% of the overall natural habitat acreage anticipated to be acquired under this Plan (approximately 1,100 acres).

Biological Goals, Objectives, and Targets (Chapter 5, Sections 5.2 and 5.3)

Quantifiable biological targets were developed for the Plan based on the type and level of take estimated to occur from the Covered Projects to guide the development of the conservation strategy and serve as a benchmark for the Plan conservation analysis. Based on these estimates, the Plan will conserve a minimum target of **546.4 acres** of natural habitat including specific targets for individual habitat types as well as additional species-specific biological metrics. The targets represent an estimate of the amount of conservation to offset the direct and indirect effects from Covered Projects and Activities. The targets are listed in Table ES-1 at the end of this Executive Summary.

The Plan also contains a broader set of biological goals and objectives at the landscape, natural community, and species level that describe how the conservation actions occur within areas important for regional conservation purposes. Goals are broad and based on the conservation needs of the resources. Biological objectives describe in more detail the conservation or desired conditions to be achieved and have been designed to collectively achieve the biological goals. The biological goals and objectives indicate how the additional conservation of large blocks of habitat will benefit the biodiversity, natural communities, and habitat connectivity throughout key portions of the Plan Area, and provide for the conservation and management of Covered Species. The Orange County Conservation Assessment prepared by the Conservation Biology Institute (CBI 2009) for the EOC has identified priority conservation areas within Orange County and has been used as a tool to guide and evaluate the conservation actions. The biological goals and objectives are presented in Table ES-2 at the end of this Executive Summary.

Conservation Strategy (Chapter 5)

The Plan conservation strategy is designed to fulfill requirements of the California NCCPA and federal ESA, and to streamline compliance with the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and other applicable environmental regulations. OCTA is not a general land use agency with the jurisdictional authority to establish a "stand-alone" preserve system for the entire Plan Area, nor does OCTA affect development and conservation decisions subject to jurisdictions (various cities, County of Orange, etc.) having such land use authority. The Plan only authorizes habitat losses attributable to the Covered Projects. The Covered Projects extend across Orange County and across the plan areas for other conservation planning efforts in Orange County. Therefore, the Plan's overarching conservation strategy is to make an important contribution to regional habitat conservation achieved by existing protected public lands and habitat conservation plans, by increasing the size and habitat quality of core habitat areas, and by protecting connectivity of core areas to other protected areas throughout the Plan Area.

The primary elements and actions of the Plan conservation strategy are:

1. **Preserve Acquisitions (Chapter 5, Section 5.4)**. To date, OCTA has acquired five properties resulting in the protection of nearly 900 acres of natural habitat (note that the total acreage of the five properties is approximately 940 acres, but the amount of protected natural habitat credited to OCTA is less because portions of the properties are developed or trails, and the Saddle Creek South property was acquired, in part, with funding from the National Fish and Wildlife Foundation and credits were adjusted accordingly). Additional Preserve acquisitions resulting in a minimum of 125 additional acres are planned in the near future. Each property will be protected in perpetuity with a conservation easement and sufficient funding will be set aside to ensure that the properties are properly monitored and managed in perpetuity. Public access will be provided on some of these properties, if that access is consistent with the Plan's biological goals and objectives.

2. **Restoration Projects (Chapter 5, Section 5.5).** OCTA has approved for funding 11 restoration projects to date totaling approximately 400 acres of restored habitats. The restoration projects occur throughout the Plan Area in core habitat areas and within key habitat linkages and riparian corridors. The restoration projects are on lands currently protected and will enhance habitat for Covered Species. OCTA has committed to funding additional restoration projects with the remaining restoration funds (approximately $400,000 remaining from the previous round of restoration project selection) and through future restoration project selections. The Plan identifies requirements for future restoration to ensure that the Plan provides conservation for all Covered Species.

3. **Avoidance and Minimization (Chapter 5, Section 5.6).** The Plan includes measures to avoid and minimize take of Covered Species. These avoidance and minimization measures will be implemented through a process to verify compliance of project design and construction of Covered Projects and Activities. Covered Projects and Activities will comply through avoidance and minimization of sensitive biological areas, adherence to species-specific protection measures and policies, compliance with procedures for protection of nesting birds, stormwater and water quality best management practices (BMPs), and wildfire protection techniques. Any costs associated with implementing these measures, as described in the Plan, will be funded through the individual construction budgets and will not rely on funding under the M2 Environmental Mitigation Program. OCTA will have a Project Manager overseeing the activities undertaken by the Construction Lead (either Caltrans or OCTA). The OCTA Project Manager will be responsible for ensuring all avoidance and minimization measures are completed and documented by the Construction Lead and its contractors following the requirements as set forth by the Plan.

4. **Streambed Program (Chapter 5, Section 5.7).** The Plan includes the Streambed Protection Mitigation Program (Streambed Program) which outlines the process for submittal of project-level Notification of Lake or Streambed Alteration (NLSA) and the issuance of individual Lake or Streambed Alteration Agreements (LSAAs) for the Covered Projects pursuant to California Fish and Game Code sections 1600–1616. The Streambed Program requires the evaluation of specific streambed avoidance and minimization measures prior to compensatory mitigation. The Streambed Program will ensure that adequate mitigation is completed and that this mitigation is based on habitat and type of aquatic resources necessary to address state regulatory obligations. For unavoidable permanent impacts on streambed and associated riparian habitat, OCTA will compensate at the pre-approved mitigation sites identified in Appendix E, which are sites within the acquired Preserves and the restoration projects approved for funding, to achieve no-net-loss standards. Additionally, for temporary impacts on streambeds and associated riparian habitat, OCTA will ensure the impact site will be restored to its pre-project condition, when appropriate, to achieve no-net-loss standards. Restoration plans, as approved by CDFW, USFWS, and if warranted the United States Army Corps of Engineers (USACE) and State Water Resources Control Board, will be implemented at the sites.
5. **Mitigation Approach (Chapter 5, Section 5.8).** The conservation actions taken as part of this Plan provide upfront mitigation only for the Covered Projects and Activities. Once the Covered Projects and Activities are completed, there will be no remaining credits that can be used by OCTA as mitigation for non-M2 projects. As the Plan is implemented, OCTA will be responsible for tracking impacts on natural resources resulting from Covered Projects and Activities to ensure impacts stay below the amount of impacts estimated as part of this Plan.

Conservation Analysis (Chapter 6)

The conservation analysis included in the Plan demonstrates how the conservation achieved through the conservation strategy (Preserve acquisitions, restoration projects, avoidance and minimization measures) results in a level of conservation that meets or exceeds the Plan's biological goals, objectives, and targets. A quantitative summary of how the Plan meets the targets is included as Table ES-1. A summary of the analysis of how the Plan also achieves the broader biological goals and objectives is included in Table ES-2. In some instances, the Plan identifies requirements for the future restoration projects to enhance and expand on the level of conservation needed to meet the Plan's biological goals and objectives. The specific Covered Species highlighted for additional conservation include arroyo chub and many-stemmed dudleya.

Preserve Management and Monitoring (Chapter 7)

The Plan sets forth a Preserve Management and Monitoring Program that establishes practices to ensure the long-term health and viability of species and ecological values within the Preserves. Guidelines are provided as a framework for OCTA and its Preserve Managers to use when developing Preserve-specific resource management plans. General Preserve stewardship issues and actions addressed include species and habitat management, wildlife species management, property management, hydrology and erosion control, land uses within Preserves, land uses adjacent to Preserves, recreation, enforcement of public access, fire management, and public outreach/ education. The Plan also outlines the types of monitoring that will be done on the Preserves and explains how adaptive management will be used to revisit the management objectives and methods and revise them if needed, to better achieve biological goals and objectives of the Plan. Furthermore, OCTA will conduct follow up monitoring of restoration projects approved for funding

(approximately every 5 to 10 years over the duration of the permit term) to be able to evaluate the success of the restoration projects and apply "lessons-learned" to future restoration activities.

Plan Implementation (Chapter 8)

OCTA is responsible for implementation of the Plan. OCTA will act as the NCCP/HCP Administrator and will be responsible for filling the roles of Preserve Manager and the Monitoring Biologist, either directly with OCTA staff or by delegation to another entity (e.g., to public entities such as Orange County Parks or State Parks, or to a contracted private entity). Other entities/organizations participating in Plan implementation include: (1) the EOC, which will continue to serve as the interagency and public forum for decisions and oversight; (2)the OCTA Board of Directors, which will provide final decision making authority on substantial matters; (3) restoration project sponsors who implement the restoration projects; (4) restoration project land management entities who will provide long-term management of the restoration project locations for biological value; (5) Caltrans, which is primarily responsible for the construction of Covered Projects and will be required to follow all applicable avoidance and minimization measures; and (6) the Wildlife Agencies, which will have an active role in the oversight and administration of the Plan. OCTA will prepare annual reports summarizing activities over the previous year and present results at public meeting(s).

Plan Funding (Chapter 8, Section 8.3)

Both the NCCPA and ESA require that a conservation plan assure that there is adequate funding to implement the plan's conservation actions. The primary source of funding for the Plan will come from the M2 transportation sales tax designed to raise money to improve Orange County's transportation system. As part of the M2 sales tax initiative, a minimum of 5% of the revenues from the freeway program will be set aside for the M2 Environmental Mitigation Program (EMP) revenues to be used for "programmatic mitigation". OCTA has been estimated (based on 2011 projections) that EMP revenues will total approximately $319 million. This Plan will use a portion of these funds. The estimated expenditures for the development and implementation of the Plan (including Preserve acquisitions, recordation of conservation easements, Preserve management and monitoring, funding of restoration projects, program management, and debt service) total $134 million. This estimate includes adequate funding to establish a permanent, non-wasting endowment to cover the annual expenses of (1) Preserve management (general maintenance, access control, enforcement, public outreach, etc.); (2) adaptive management (3) effectiveness biological monitoring; (4) ongoing program management; and (5) responding to changed circumstances. OCTA will manage the endowment as part of its ongoing treasury functions and contract for Preserve management and biological monitoring services. Once OCTA has established a endowment to fund management and monitoring of Preserves and the endowment has been reviewed and approved by the Wildlife Agencies, the endowment is deemed to be adequate funding to carry out the obligations under the Plan and the Wildlife Agencies shall not require additional funding from OCTA.

Assurances (Chapter 8, Section 8.7)

Provisions of the NCCPA and ESA regulations provide for regulatory assurances to parties covered by approved NCCPs or HCPs. If unforeseen circumstances occur that adversely affect species covered by an NCCP or HCP, the Wildlife Agencies will not require additional land, water, or financial compensation or impose additional restrictions on the use of land, water, or other natural resources.

Table ES-1. Summary of Conservation Analysis for Plan Targets

Biometrics	Total within Plan Area	Freeway Improvement Projects		Preserve Activities		Conservation Actions		
		Direct Effects[1]	Indirect Effects[2]	Direct Effects[3]	Plan Targets[4]	Preserve Acquisitions	Restoration Projects	Conservation Above or Below Target
Natural Communities (acres)								
Chaparral	82,947	5.0	41.9	3.4	37.8	275.8	4.3	242.3
Coniferous Forest	1,930	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grasslands[5]	41,631	108.1	280.9	0.9	358.4	72.6	68.9	-217.0
Riparian	4,446	5.0	57.0	0.1	38.7	9.0	122.2	92.5
Scrub	59,477	10.0	85.2	2.7	68.0	218.9	170.6	321.5
Water	2,696	0.4	0.1	0.0	0.9	0.0	1.0	0.1
Wet Meadows/ Marsh	2,236	2.5	0.0	0.0	5.0	0.0	5.0	0.0
Woodland	13,993	10.0	19.3	3.9	37.4	312.5	16.9	291.9
Totals	**209,356**	**141.0**	**484.4**	**11.0**	**495.6**	**888.8**	**388.9**	**731.3**
Predicted Species Habitat Models (acres)								
Plants								
Intermediate Mariposa Lily	55,623	3.9	28.1	1.5	24.9	119.8	0.0	94.9
Many-stemmed Dudleya	91,237	11.1	83.7	5.9	75.8	474.4	0.0	398.6
Southern Tarplant	5,963	9.2	35.3	0.1	36.3	9.4	31.2	4.3
Fish								
Arroyo Chub	61	0.1	0.9	0.0	0.6	0.1	13.0	12.5
Reptiles								
Coast Horned Lizard	96,100	63.4	184.2	3.0	225.1	246.2	170.6	191.7
Orangethroat Whiptail	23,469	45.1	110.7	0.6	146.9	49.6	170.6	73.3
Western Pond Turtle–Aquatic	5,963	3.1	16.5	0.1	14.7	9.3	24.4	19.0
Western Pond Turtle–Upland	90,120	45.8	283.8	6.4	246.2	515.6	97.8	367.2
Birds								
Cactus Wren	55,686	9.7	85.2	2.4	66.8	194.0	14.5	141.7
Coastal California Gnatcatcher	65,616	10.3	96.0	2.9	74.5	238.2	170.6	334.3
Least Bell's Vireo	4,466	4.9	55.2	0.1	37.6	9.2	122.2	93.8
Southwestern Willow Flycatcher	4,807	5.1	60.5	0.1	40.7	9.2	122.2	90.7

Table ES-1. Summary of Conservation Analysis for Plan Targets (cont.)

Biometrics	Total within Plan Area	Freeway Improvement Projects: Direct Effects[1]	Freeway Improvement Projects: Indirect Effects[2]	Preserve Activities: Direct Effects[3]	Plan Targets[4]	Conservation Actions: Preserve Acquisitions	Conservation Actions: Restoration Projects	Conservation Above or Below Target
Mammals								
Bobcat	189,607	45.9	246.0	11.0	236.7	885.2	343.2	991.7
Mountain Lion	156,554	26.4	123.0	10.3	134.8	831.4	283.1	979.7
Critical Habitat								
Coastal California Gnatcatcher	18,752	11.9	123.9	7.4	100.6	602.0	5.5	506.9

1 Estimated direct effects are based on a "planning-level" footprint. Actual effects are expected to be less through the implementation of avoidance and minimization measures. The amount of direct effects for individual habitat types and predicted species habitat models have been adjusted to address the low precision and accuracy of the regional habitat data and allowance for habitat types with small amount of impacts to serve as a reasonable cap to direct effects under the Plan.

2 Indirect effects have been estimated using a 300-foot buffer around direct effect areas.

3 Direct effects associated with Preserve implementation activities (new trails, kiosks, maintenance facilities, etc.) have been estimated to be no more than 11 acres of natural habitat (approximately 1% of the Preserves). Because the location of the Preserve activity effects is not known at this time, a conservative estimate has been taken based on the proportion of the biometric within the Preserves. Actual effects on sensitive habitats are expected to be less through the implementation of avoidance and minimization measures.

4 Plan targets were calculated using the following formula: (direct effects * 2) + (indirect effects * 0.5).

5 Grasslands—All natural community types are substantially above their targets except for grasslands. The negative conservation balance for grasslands is, however, offset based on the following considerations: (a) direct and indirect effects on grasslands will generally occur for small patches of disturbed, predominantly nonnative grasslands along freeway edges that have low biological value; (b) conservation of grassland is occurring within large, intact areas of protected natural habitat that have a high biological value; (c) Preserve acquisitions include large patches of native grasslands; and (d) the Plan results in conservation of other sensitive habitats, including scrub, riparian, and woodlands, that exceed Plan targets.

Table ES-2. Biological Goals, Objectives, and Conservation Actions

Biological Goal or Objective	Conservation Actions[1]
Landscape Level Biological Goals and Objectives	
Landscape Goal 1: Protect, manage, and enhance natural landscapes that result in conservation of areas large enough to support ecological integrity and sustainable populations of Covered Species, and are linked to each other and/or other areas of protected habitat in or adjacent to the Plan Area.	
Landscape Objective 1.1: OCTA will conserve and manage natural landscape within core and linkage areas contiguous with existing protected lands.	**Acquire**. OCTA has acquired five Preserves—Ferber Ranch, Hafen, Hayashi, O'Neill Oaks, and Saddle Creek South—totaling 888.8 acres of natural habitat. In all instances, the five Preserves are located within priority conservation areas (as defined by the CBI Conservation Assessment) and immediately adjacent to other protected lands. These Preserves add to the protection of large blocks of natural open space in areas important for regional conservation.
Landscape Objective 1.2: OCTA will fund and successfully implement restoration projects within the Plan Area to restore or enhance habitat that supports populations of Covered Species and natural landscapes.	**Restore.** OCTA has approved for funding 11 restoration projects to date, totaling an estimated 388.9 acres of restored habitats. The restoration projects occur throughout the Plan Area in core habitat areas and within key habitat linkages and riparian corridors. The restoration projects are on lands that are either currently protected or are in the process of being protected through a conservation easement or an equivalent long-term protection mechanism approved by the Wildlife Agencies, and will enhance habitats that support Covered Species, including coastal sage scrub, cactus scrub, riparian, wetlands, and woodland habitats.
Landscape Goal 2: Protect and enhance natural and semi-natural landscapes important to maintain wildlife movement within the Plan Area.	
Landscape Objective 2.1: OCTA will acquire, protect, and manage natural landscapes that help to secure wildlife movement corridors and provide landscape connectivity.	**Acquire**. OCTA has acquired four Preserves—Ferber Ranch, Hafen, O'Neill Oaks, and Saddle Creek South—totaling 597.6 acres of natural habitat in the Trabuco Canyon area that provides a significant addition to the protection of open space in a region of the Plan Area that provides connectivity between O'Neill Park, Cleveland National Forest, the Central Subregion of the Central-Coastal NCCP/HCP reserve system, and Orange County Southern Region HCP reserve system. In addition, OCTA has acquired the Hayashi Preserve in the Chino Hills area that provides 291.3 acres of natural habitat in a location that provides connectivity between the Puente Hills to the northwest and Santa Ana Mountains to the south.
Landscape Objective 2.2: OCTA will restore or enhance habitat through restoration projects that improve habitat connectivity and wildlife movement through existing protected lands.	**Restore**. Of the 11 restoration projects OCTA has approved for funding to date, five (totaling 213.4 acres of restored habitat) are located in areas highly important for habitat connectivity and wildlife movement and/or include specific design features (e.g., improve directional fencing to wildlife crossings) to promote wildlife movement. These restoration projects include North Coal Canyon (located in the Coal Canyon Linkage mapped by the Conservation Biology Institute [CBI]), West Loma (directional fencing to reduce roadkill on the 241 toll road), Big Bend (essential connection between Aliso and Wood Canyons Wilderness Park to the Laguna Coast Wilderness Park), Aliso Creek (riparian corridor linking several open space Preserves), and City Parcel (located in the Trabuco and San Juan Creeks Linkage mapped by CBI).

Table ES-2. Biological Goals, Objectives, and Conservation Actions

Biological Goal or Objective	Conservation Actions[1]
Landscape Objective 2.3: OCTA will set forth policies and procedures requiring the planning and execution of Covered Projects in a manner that maintains and, if feasible, enhances wildlife connectivity through existing structures. OCTA will provide monitoring, when and where appropriate, to demonstrate this objective has been met.	**Policy**. The Plan includes the Wildlife Crossing Policy (see Section 5.6.2.3) as part of the avoidance and minimization measures. This policy requires that Covered Projects be evaluated during pre-project surveys to determine if existing structures function as a wildlife movement crossing. OCTA will require that appropriate design features are implemented to ensure that the wildlife crossing continues to function after the freeway construction improvements are completed. OCTA will provide a technical report summarizing design recommendations for review and approval by the Wildlife Agencies prior to final design. This technical report will set forth appropriate monitoring requirements of the wildlife crossing using guidance outlined in the Caltrans *Wildlife Crossing Guidance Manual*.
Landscape Goal 3: OCTA will protect, enhance, and/or restore natural landscapes within a range of environmental gradients and contiguous to other protected areas to allow for shifting species distributions in response to catastrophic events (e.g., fire, prolonged drought) or changed circumstances (e.g., climate change).	
Landscape Objective 3.1: OCTA will acquire and/or restore natural landscapes within elevation ranges (0–500, 500–1,000, 1,000–1,500, 1,500–2,000 feet). The conservation and restoration of Covered Species habitat in or contiguous with existing Preserve lands will benefit potential shifting species distributions in response to catastrophic events and changed circumstances.	**Acquire and Restore**. OCTA has acquired Preserves and approved for funding restoration projects within a different elevation ranges: Elevation Range — Combined Preserve and Restoration Acres 0-500 feet — 318.5 500-1,000 feet — 772.8 1,000-1,500 feet — 162.9 1,500-2,000 feet — 23.5 Areas of the Plan Area at higher elevations already have a high percent of protected lands.
Landscape Goal 4: Protect and enhance habitat in geographically distinct areas across the Plan Area to conserve species and genetic diversity.	
Landscape Objective 4.1: OCTA will acquire and/or restore natural landscapes within all the major watersheds (Los Angeles/San Gabriel River, Santa Ana River, San Juan) and a majority of core and linkage areas contributing to the conservation of genetic diversity within these areas.	**Acquire and Restore**. OCTA has acquired Preserves and approved funding for restoration projects within all of the major watersheds: Watersheds — Combined Preserve and Restoration Acres Los Angeles/San Gabriel River — 310.7 Santa Ana River — 257.7 San Juan — 709.3 In addition, OCTA has acquired Preserves and/or approved funding for restoration projects in 9 of the 12 core and linkage areas mapped by CBI.
Natural Community Level Biological Goals and Objectives	
Natural Community Goal 1: Protect, manage, and enhance natural communities to promote native biodiversity.	
Natural Community Objective 1.1 (Chaparral): OCTA will acquire and/or restore chaparral habitat to promote conservation of native biodiversity and connectivity that benefit Covered Species of the chaparral natural community.	**Acquire and Restore**. OCTA has acquired five Preserves that include a total of 275.8 acres of chaparral habitat. A majority of the Hafen (63%) and O'Neill Oaks (54%) Preserves include chaparral natural communities. In addition, the Agua Chinon/Bee Flat Canyon restoration project includes 4.3 acres of chaparral habitat restoration and/or enhancement. The conservation and restoration of chaparral habitat will benefit coast horned lizard, orangethroat whiptail, bobcat, and mountain lion.

Table ES-2. Biological Goals, Objectives, and Conservation Actions

Biological Goal or Objective	Conservation Actions[1]
Natural Community Objective 1.2 (Grassland): OCTA will acquire and/or restore grassland habitat to promote native biodiversity and connectivity that benefit Covered Species of the grassland natural community.	**Acquire and Restore**. OCTA has acquired the Ferber Ranch and Hayashi Preserves, which have a combined 72.6 acres of grassland habitat. Native grassland has been mapped on both Preserves with a large patches of high quality native grassland habitat (totaling 17.1 acres) occurring on the Ferber Ranch property. OCTA will ensure appropriate management actions to protect and enhance the native grassland patches in both Preserves will be completed in accordance with the requirements incorporated into the Ferber Ranch and Hayashi RMPs. In addition, OCTA has approved funding for four restoration projects that include restoration of grassland habitats totaling 68.9 acres. Together these efforts amount to 141.5 acres of grassland habitat acquired and/or restored.
Natural Community Objective 1.3 (Riparian): OCTA will acquire and/or restore riparian habitat in multiple locations across the Plan Area. These actions will enhance and expand riparian communities in key locations for wildlife movement, provide potentially suitable nesting habitat for Covered Species, and promote native biodiversity and connectivity that benefit Covered Species of the riparian natural community.	**Acquire and Restore**. OCTA has acquired three Preserves—Ferber Ranch, Hafen, and Hayashi—that have a total of 9.0 acres of riparian habitat. On the Hayashi Preserve, OCTA has undertaken steps to remove grazing within the riparian zone (using fencing) to allow the riparian habitat to passively recover and expand. In addition, 9 of the 11 restoration projects OCTA has approved for funding to date include riparian habitat restoration totaling 122.2 acres. The riparian restoration projects occur within areas important for regional conservation, including large sized restoration projects along Aliso Creek and Lower Silverado Canyon. Conservation of riparian habitat will benefit Covered Species that rely on healthy streambed ecosystems (western pond turtle), riparian nesting birds (least Bell's vireo, southwestern willow flycatcher), and large mammals using riparian habitat for movement cover (bobcat, mountain lion).
Natural Community Objective 1.4 (Scrub): OCTA will acquire and/or restore scrub habitat. These actions will enhance and expand scrub habitat in key locations for wildlife movement, provide potentially suitable nesting habitat for Covered Species, and promote native biodiversity and connectivity that benefit Covered Species of the scrub natural community.	**Acquire and Restore**. OCTA has acquired four Preserves—Ferber Ranch, Hafen, O'Neill Oaks, and Saddle Creek South—that have a total of 218.9 acres of scrub habitat. These Preserves support nesting populations of coastal California gnatcatcher and cactus wren and add to the protection of an important block of scrub habitat between the Orange County Southern Subregion HCP and Central-Coastal NCCP/HCP reserve systems. In addition, OCTA has approved for funding two restoration projects—UC Irvine Ecological Reserve and Chino Hills State Park—that include 14.5 acres of cactus scrub habitat in locations known to support cactus wren and seven restoration projects that included coastal sage scrub habitat (156.1 acres) that will enhance and expand habitat for the coastal California gnatcatcher. This amounts to a total of 389.5 acres of scrub habitat that has been acquired and/or will be restored.
Natural Community Objective 1.5 (Woodland): OCTA will acquire and/or restore woodland habitat. These actions will enhance and expand woodland habitat for foraging and cover by Covered Species, and will promote native biodiversity and connectivity that benefit Covered Species of the woodland natural community.	**Acquire and Restore**. OCTA has acquired five Preserves that include a total of 312.5 acres of woodland habitat. A majority of the Hayashi (64%) Preserve includes woodland habitat, including 11.6 acres of coast live oak woodland and 174.4 acres of California walnut woodland. The California walnut woodland is a habitat type considered of special concern by the state and found to be under protected (CBI 2009). In addition, the Agua Chinon/Bee Flat Canyon restoration project includes 16.9 acres of woodland habitat restoration and/or enhancement. A wide range of species use woodlands for reproduction, foraging, shelter, and dispersal, including bobcat and mountain lion.

Table ES-2. Biological Goals, Objectives, and Conservation Actions

Biological Goal or Objective	Conservation Actions[1]
Natural Community Goal 2: Maintain and enhance **riparian and wetland function and values** to benefit Covered Species and promote native biodiversity.	
Natural Community Objective 2.1: OCTA will acquire, restore and/or enhance areas with aquatic resources (per CDFW jurisdiction). These conservation actions will protect riparian and wetlands functions and values by improving the condition and integrity of the physical streambed, aquatic and riparian habitat, and hydrology.	**Acquire and Restore**. For all of the Preserves that OCTA has acquired and 6 of the 11 restoration projects approved for funding by OCTA, detailed jurisdictional delineations have been completed to identify and map the extent of aquatic resources within the Preserve/project boundaries. A total of 80.6 acres of aquatic resources (per CDFW jurisdiction) occurs within the Preserves and approximately 107.3 acres of aquatic resources will be restored, enhanced, and/or rehabilitated through the restoration projects. The conservation actions protect riparian and wetland functions and values and will mitigate any unavoidable impacts on aquatic resources resulting from Covered Projects.
Natural Community Objective 2.2: OCTA will set forth policies and procedures to ensure Covered Projects result in no net loss of wetland habitat values and acreage in the Plan Area.	**Policy.** The Plan sets forth the Streambed Program (Section 5.7 and Appendix E) designed to protect, and compensate for unavoidable impacts on streambed areas and riparian/wetland habitats under jurisdiction of CDFW. Table E-2 in Appendix E shows that impacts will be mitigated using mitigation ratios depending on the type and quality of resources affected and timing of mitigation. OCTA will track impacts and mitigation of aquatic resources by habitat type and acreage using a Mitigation Ledger and provide a summary in an annual report.
Species Level Biological Goals and Objectives	
Species Goal 1: Provide Conservation of **intermediate mariposa lily** within the Plan Area and minimize and mitigate impacts associated with Covered Projects and Activities.	
Species Objective 1.1: OCTA will acquire Preserves with occurrences of intermediate mariposa lily. OCTA will ensure that appropriate management and monitoring actions are incorporated into the RMPs for each Preserve to support sustainable populations of intermediate mariposa lily.	**Acquire**. OCTA completed baseline biological surveys in 2012 of the five acquired Preserves. During these surveys, four of the five Preserves—Ferber Ranch, Hafen, O'Neill Oaks, and Saddle Creek South in the Trabuco Canyon area—had a total of 77 identified locations, with a minimum population of 428 plants, of intermediate mariposa lily. OCTA will protect and monitor these locations and any future locations found, as part of the Preserve RMPs.
Species Objective 1.2: OCTA will establish policies and procedures that require OCTA to identify, track, mitigate, and report annually any unavoidable impacts on intermediate mariposa lily.	**Policy**. The Plan includes the Covered Plant Species Policy (see Section 5.6.2.2) which sets forth policies and procedures requiring OCTA to evaluate impacts based on project-specific field surveys of the Covered Projects and to mitigate any unavoidable impacts (at a 3:1 ratio) using credits determined through field surveys of Preserves and actions taken to enhance, restore, and create populations of covered plant species as part of restoration projects approved for funding by OCTA. OCTA will maintain a ledger-type accounting system to track credits and debits and report status as part of the Plan's annual report.

Table ES-2. Biological Goals, Objectives, and Conservation Actions

Biological Goal or Objective	Conservation Actions[1]
Species Goal 2: Provide Conservation of **many-stemmed dudleya** within the Plan Area and minimize and mitigate impacts associated with Covered Projects and Activities.	
Species Objective 2.1: OCTA will implement restoration projects where there are known occurrences of many-stemmed dudleya in the project vicinity. The restoration actions are expected to improve and enhance habitat for many-stemmed dudleya.	**Restore**. OCTA has approved for funding two restoration projects, West Loma and Big Bend; many-stemmed dudleya has been mapped in the vicinity of both projects. This plant is capable of self-fertilization and remains dormant as an underground corm in the dry months (June–November). The restoration actions have the potential to improve habitat conditions for many-stemmed dudleya to establish. OCTA will complete rare plants surveys (timing will be dependent on rainfall) at these restoration project sites to determine if populations of many-stemmed dudleya establish within the sites.
Species Objective 2.2: OCTA will select and oversee the implementation of a future restoration project that will be designed to establish a sustainable population of many-stemmed dudleya within an area of protected open space.	**Restore**. To ensure that the Plan provides conservation and management for many-stemmed dudleya, OCTA will select and oversee implementation of a future restoration project that will be designed to establish a population of many-stemmed dudleya (minimum of 500 individuals) within an area of protected open space. The design of the restoration project will take into consideration factors influencing the long-term viability of a many-stemmed dudleya population. If populations are identified as part of the monitoring on already approved restoration projects (see Species Objective 2.1) and/or identified during additional surveys within the acquired Preserves before the future restoration project funding is initiated, OCTA will not be required to complete this objective.
Species Objective 2.3: OCTA will establish policies and procedures that require OCTA to identify, track, mitigate, and report annually any unavoidable impacts on many-stemmed dudleya.	**Policy**. The Plan includes the Covered Plant Species Policy (see Section 5.6.2.3) which sets forth policies and procedures requiring OCTA to evaluate impacts based on project-specific field surveys of the Covered Projects and to mitigate any impacts (at a 3:1 ratio) using credits determined through field surveys of Preserves and actions taken to enhance, restore, and create populations of covered plant species as part of restoration projects approved for funding by OCTA. OCTA will maintain a ledger-type accounting system to track credits and debits and report status as part of the Plan's annual report.
Species Goal 3: Provide Conservation of **southern tarplant** within the Plan Area and minimize and mitigate impacts associated with Covered Projects and Activities.	
Species Objective 3.1: OCTA will implement a restoration project in an area with known occurrences of southern tarplant. The restoration design plans includes elements to promote the expansion of southern tarplant as part of the restoration efforts.	**Restore**. OCTA has approved for funding the Harriet Weider Regional Park restoration project that has southern tarplant mapped in the project vicinity. The restoration project sponsor has agreed to include specific measures as part of the restoration project design plan to achieve the establishment of southern tarplant. Southern tarplant seeds have been harvested from mature plants near the restoration site, and they will be included in the restoration seed mix. OCTA will ensure the restoration project sponsor conducts focused surveys for southern tarplant as part of their monitoring efforts to quantify the population established through the restoration process.

Table ES-2. Biological Goals, Objectives, and Conservation Actions

Biological Goal or Objective	Conservation Actions[1]
Species Objective 3.2: OCTA will establish policies and procedures that require OCTA to identify, track, mitigate, and report annually any unavoidable impacts on southern tarplant.	**Policy**. The Plan includes the Covered Plant Species Policy (see Section 5.6.2.2), which sets forth policies and procedures requiring OCTA to evaluate impacts based on project-specific field surveys of the Covered Projects and to mitigate any impacts (at a 3:1 ratio) using credits determined through field surveys of Preserves and actions taken to enhance, restore, and create populations of covered plant species as part of restoration projects approved for funding by OCTA. OCTA will maintain a ledger-type accounting system to track credits and debits and report status as part of the Plan's annual report.
Species Goal 4: Provide Conservation of **arroyo chub** within the Plan Area and minimize and mitigate impacts associated with Covered Projects and Activities.	
Species Objective 4.1: OCTA will restore and enhance riparian habitat in the areas that potentially support arroyo chub and conserve natural habitat in the headwaters of a stream supporting arroyo chub to protect in-stream water quality.	**Restore and Acquire**. The City Parcel restoration project approved for funding by OCTA results in 13.0 acres of riparian restoration along lower reaches of Trabuco Creek. This restoration effort includes removal of nonnative plant species, removal of debris and trash, and planting of native plant species. These restoration activities will contribute to the improvement of the natural hydrological functions and water quality for this important coastal stream course and will improve Trabuco Creek as habitat for arroyo chub. In addition, OCTA has acquired the Ferber Ranch, Hafen, and O'Neill Oaks Preserves, which are located in headwaters of Trabuco Creek. The protection of 546.5 acres of natural habitat in this location contributes to the protection of water quality, sedimentation, and hydrological processes important for arroyo chub habitat downstream in Trabuco Creek.
Species Objective 4.2: OCTA will implement a restoration project focused on improving habitat conditions for arroyo chub, such as improving water quality, removal of nonnative aquatic species or modifying check dams to allow passage, to support sustainable populations in occupied areas.	**Restore**. OCTA will fund a future restoration project that will acheive a direct benefit to an existing population of arroyo chub. This restoration project could include actions to improve water quality in a subwatershed known to have arroyo chub (e.g. in Bell Canyon), removal or modification of check dams to facilitate fish passage (e.g. along San Juan creek in USFS lands), and/or a focused nonnative fish removal within a select tributary (e.g. fish trapping of source populations of nonnatives in Oso Creek)..
Species Objective 4.3: OCTA will establish policies and procedures to avoid and minimize impacts to arroyo chub and its habitat.	**Policy**. The Plan includes the Aquatic Resources and Species Policy that outlines appropriate avoidance and minimization measures for construction activities in aquatic resources, such as rivers, creeks, and riparian areas. The Construction Lead will retain a qualified biologist during any project that could impact potential arroyo chub habitat to determine if arroyo chub might be present and subject to potential injury or mortality from construction activities. When arroyo chub are present, the project biologist will identify appropriate methods to capture, handle, exclude, and/or relocate those individuals. All fish exclusion and salvage activities will adhere to accepted NOAA Fisheries Service and CDFW protocols. Other policies that will provide for the protection of arroyo chub include the Avoidance and Minimization of Sensitive Biological Areas, Wildlife Crossing Policy, Stormwater and Water Quality BMPs, Wildfire Protection Techniques, and Wetland and Riparian Streambed Protection Program.

Table ES-2. Biological Goals, Objectives, and Conservation Actions

Biological Goal or Objective	Conservation Actions[1]
Species Objective 4.4: OCTA will participate in the implementation of a regional arroyo chub management plan and/or arroyo chub research being developed by the Orange County Vector Control District and/or CDFW. This does not obligate OCTA to dedicate additional funds or implement any specific measure in the arroyo chub management plan.	**Policy**. OCTA agrees to participate in a regional arroyo chub management plan and/or arroyo chub research being developed by the Orange County Vector Control District and/or CDFW. This may involve the introduction of arroyo chub to streams or ponds on the OCTA-acquired Preserves as an option to control mosquitos. OCTA also agrees to collaborate with these agencies and the restoration project sponsors to help determine if arroyo chub research is a viable option within any of the restoration projects approved for funding.
Species Goal 5: Provide Conservation of **coast horned lizard** within the Plan Area and minimize and mitigate impacts associated with Covered Projects and Activities.	
Species Objective 5.1: OCTA will acquire natural habitat that includes areas with loose, fine soils with high sand fraction, open areas with limited overstory for basking, and other features known to support coast horned lizard.	**Acquire**. OCTA has acquired five Preserves—Ferber Ranch, Hafen, Hayashi, O'Neill Oaks, and Saddle Creek South—totaling 888.8 acres of natural habitat. During baseline biological surveys completed for these Preserves in 2012, it was noted that each of these Preserves provide quality habitat features for coast horned lizard.
Species Goal 6: Provide Conservation of **orangethroat whiptail** within the Plan Area and minimize and mitigate impacts associated with Covered Projects and Activities.	
Species Objective 6.1: OCTA will acquire Preserves that have documented occurrences of orangethroat whiptail. OCTA will ensure that appropriate management and monitoring actions are incorporated into the RMPs for each Preserve to protect and maintain habitat to support sustainable populations of orangethroat whiptail.	**Acquire**. During the baseline biological surveys in 2012 of the five acquired Preserves, it was noted that all of these Preserves provide quality habitat features for orangethroat whiptail and occurrences were identified on the Ferber Ranch and O'Neill Oaks Preserves.
Species Goal 7: Provide Conservation of **western pond turtle** within the Plan Area and minimize and mitigate impacts associated with Covered Projects and Activities.	
Species Objective 7.1: OCTA will acquire a Preserve(s) with the potential to expand western pond turtle populations, potentially via translocation. OCTA will enhance the riparian and streambed habitat within the Preserve to create and/or improve permanent and intermittent water sources that could provide habitat for western pond turtle.	**Acquire.** OCTA has acquired the Hayashi Preserve in the Chino Hills area that has had incidental observations of western pond turtle (observed in 2011) by Chino Hills State Park staff. OCTA has undertaken steps to remove grazing within the Soquel Canyon riparian zone (using fencing) to allow the riparian habitat along this drainage to passively recover and expand. OCTA will include appropriate management actions to protect and/or enhance western pond turtle habitat and locations, such as monitoring and as-needed adaptive management through collaboration with, and agreement between, OCTA and the Wildlife Agencies, as part of the Preserve RMP.

Table ES-2. Biological Goals, Objectives, and Conservation Actions

Biological Goal or Objective	Conservation Actions[1]
Species Objective 7.2: OCTA will implement a restoration project that will directly benefit known populations of western pond turtle by removing invasive plant species degrading the stream course, expanding ponds and open water, and/or exposing potential basking sites.	**Restore**. OCTA has approved for funding the Aliso Creek restoration project, which involves 55 acres of riparian and transitional habitat restoration, including the removal of dense stands of arundo that have clogged the stream course and substantially degraded the quality of the stream as habitat for western pond turtle. There are four known occurrences of western pond turtle within the restoration project site. The restoration actions will improve western pond turtle habitat by improving water quality and aquatic habitat (exposing ponds and basking sites), enhancing aestivation habitat and access to aestivation habitat, and improving upland nesting habitat.
Species Objective 7.3: OCTA will establish policies and procedures to avoid and minimize impacts to western pond turtle and its habitat.	**Policy**. The Plan includes the Aquatic Resources and Species Policy that outlines appropriate avoidance and minimization measures for construction activities in aquatic resources, such as rivers, creeks, and riparian areas. Prior to ground-disturbing activities in or near aquatic habitats, OCTA will conduct preconstruction surveys for western pond turtles to determine their presence or absence within the construction footprint. If western pond turtles are found within the construction footprint, the occupied habitat and appropriate buffer, as determined by a qualified biologist, will be avoided to the maximum extent practicable. If avoidance is not possible and the species is determined to be present in work areas, the biologist may capture turtles prior to construction activities and relocate them to nearby, suitable habitat a minimum of 300 feet downstream from the work area. Alternatively, if recommended/approved by the Wildlife Agencies, the turtles may be captured and either temporarily held or relocated to an appropriate, nearby location. Other policies that will provide for the protection of western pond turtle include the Avoidance and Minimization of Sensitive Biological Areas, Wildlife Crossing Policy, Stormwater and Water Quality BMPs, Wildfire Protection Techniques, and Wetland and Riparian Streambed Protection Program.
Species Goal 8: Provide Conservation of **cactus wren** within the Plan Area and minimize and mitigate impacts associated with Covered Projects and Activities.	
Species Objective 8.1: OCTA will protect and manage blocks of occupied cactus wren habitat to support sustainable populations and maintain habitat linkages between cactus wren populations within the Plan Area.	**Acquire.** OCTA has acquired four Preserves—Ferber Ranch, Hafen, O'Neill Oaks, and Saddle Creek South in the Trabuco Canyon area—that support nesting populations of cactus wren and add to the protection of an important block of cactus scrub patches between the Orange County Southern Subregion HCP and the Central-Coastal NCCP/HCP reserve systems. During the 2012 baseline biological surveys of the Preserves, a total of 26 cactus wren occurrences were recorded on these Preserves.
Species Objective 8.2: OCTA will implement restoration project(s) focused on creating cactus scrub habitat to expand habitat in areas of known cactus wren populations.	**Restore**. OCTA has approved for funding two restoration projects—UC Irvine Ecological Reserve and Chino Hills State Park—that include 14.5 acres of cactus scrub habitat in locations known to support cactus wren.

Table ES-2. Biological Goals, Objectives, and Conservation Actions

Biological Goal or Objective	Conservation Actions[1]
Species Objective 8.3: OCTA will establish policies and procedures to avoid and minimize impacts to cactus wren habitat, including cactus scrub.	**Policy:** The Plan includes the policies that will require covered freeway improvement projects to be designed in a manner that avoids and/or minimizes impacts to sensitive biological resources, including cactus scrub. Temporary staging areas, access roads, and other project components that have the flexibility to be sited outside of sensitive areas will be incorporated into the project design. Best management practices will be followed to delineate environmentally sensitive areas and provide for training and monitoring to ensure these areas are protected. If temporary impacts to cactus sage scrub cannot be avoided, temporary impacts will be restored to their previous conditions. Other policies that will provide for the protection of cactus wren include the Nesting Birds Policy and Wildfire Protection Techniques.
Species Goal 9: Provide Conservation of **coastal California gnatcatcher** within the Plan Area and minimize and mitigate impacts associated with Covered Projects and Activities.	
Species Objective 9.1: OCTA will protect and manage blocks of occupied gnatcatcher nesting habitat to support sustainable populations and maintain habitat linkages between coastal California gnatcatcher populations within the Plan Area.	**Acquire.** OCTA has acquired four Preserves—Ferber Ranch, Hafen, O'Neill Oaks, and Saddle Creek South in the Trabuco Canyon area—that protect coastal sage scrub habitat and support nesting populations of coastal California gnatcatchers. These Preserves add to the protection of important blocks of coastal sage scrub between the Orange County Southern Subregion HCP and Central-Coastal NCCP/HCP reserve systems and provide suitable habitat at a low elevation for movement of gnatcatchers. During the 2012 baseline biological surveys of the Preserves, occurrences of coastal California gnatcatchers were noted at the Ferber Ranch and O'Neill Oaks Preserves, and previous sightings have been recorded at the Saddle Creek South Preserve.
Species Objective 9.2: OCTA will restore and/or enhance coastal sage scrub habitat to expand coastal California gnatcatcher habitat.	**Restore**. OCTA has approved for funding eight restoration projects that include restoration of coastal sage scrub habitat, totaling 156.1 acres. The Big Bend, City Parcel, Fairview Park, Harriett Weider Regional Park, Lower Silverado Canyon, and North Coal Canyon restoration projects will restore coastal sage scrub habitat in locations important for providing "stepping-stones" for coastal California gnatcatcher movement and dispersal. The coastal sage scrub restoration that is part of the West Loma and Agua Chinon/Bee Flat Canyon restoration projects will improve coastal California gnatcatcher habitat within the Central-Coastal NCCP/HCP reserve system.
Species Objective 9.3: OCTA will establish policies and procedures to avoid and minimize impacts to coastal California gnatcatcher habitat, including coastal sage scrub.	**Policy:** The Plan includes the policies that will require covered freeway improvement projects to be designed in a manner that avoids and/or minimizes impacts to sensitive biological resources, including coastal sage scrub. Temporary staging areas, access roads, and other project components that have the flexibility to be sited outside of sensitive areas will be incorporated into the project design. Best management practices will be followed to delineate environmentally sensitive areas and provide for training and monitoring to ensure these areas are protected. If temporary impacts to coastal sage scrub cannot be avoided, temporary impacts will be restored to their previous conditions. Other policies that will provide for the protection of coastal California gnatcatcher include the Nesting Birds Policy and Wildfire Protection Techniques.

Table ES-2. Biological Goals, Objectives, and Conservation Actions

Biological Goal or Objective	Conservation Actions[1]
Species Goal 10: Provide Conservation of **least Bell's vireo** within the Plan Area and minimize and mitigate impacts associated with Covered Projects and Activities.	
Species Objective 10.1: OCTA will acquire a Preserve with the potential to enhance riparian habitat to expand least Bell's vireo habitat.	**Acquire.** OCTA has acquired the Hayashi Preserve in the Chino Hills area, which has an existing riparian corridor along Soquel Canyon that has been historically disturbed by grazing. OCTA has taken steps to remove grazing from the riparian corridor by installing fencing to allow for the passive restoration of riparian habitat. In similar situations in the Chino Hills State Park, shortly after grazing was removed from the riparian zone, the habitat recovered and least Bell's vireo moved in. There are known least Bell's vireo occurrences above and below the Hayashi property, and, as the riparian habitat recovers on this Preserve, there is a strong likelihood it will support least Bell's vireo.
Species Objective 10.2: OCTA will restore and/or enhance riparian habitat adjacent to occupied least Bell's vireo habitat.	**Restore**. OCTA has approved for funding the Aliso Creek and City Parcel restoration projects, which include restoration of riparian habitat totaling 68.0 acres. Each of these restoration projects has documented occurrences of least Bell's vireo within the project sites. The Aliso Creek restoration has had seven occurrences and City Parcel has had one occurrence that overlaps with the project sites. The riparian habitat restoration and enhancement will provide an immediate benefit to least Bell's vireo nesting habitat.
Species Objective 10.3: OCTA will restore and/or enhance riparian habitat in areas not currently occupied by least Bell's vireo to encourage future expansion of the species distribution within the Plan Area.	**Restore**. OCTA has approved for funding five restoration projects that include restoration of riparian habitat (totaling 54.2 acres) in locations with documented occurrences of least Bell's vireo in the vicinity. These restoration projects are Fairview Park, Lower Silverado Canyon, Chino Hills, West Loma, and Agua Chinon/Bee Flat Canyon. These riparian habitat restoration projects will create least Bell's vireo habitat and are expected to support least Bell's vireo in the future.
Species Objective 10.4: OCTA will establish policies and procedures to avoid and minimize impacts to least Bell's vireo habitat, including riparian habitat.	**Policy:** The Plan includes the policies that will require covered freeway improvement projects to be designed in a manner that avoids and/or minimizes impacts to sensitive biological resources, including riparian habitat. Temporary staging areas, access roads, and other project components that have the flexibility to be sited outside of sensitive areas will be incorporated into the project design. Best management practices will be followed to delineate environmentally sensitive areas and provide for training and monitoring to ensure these areas are protected. If temporary impacts to riparian habitat cannot be avoided, temporary impacts will be restored to their previous conditions. Other policies that will provide for the protection of least Bell's vireo include the Nesting Birds Policy and Wildfire Protection Techniques.
Species Goal 11: Provide Conservation of **southwestern willow flycatcher** within the Plan Area and minimize and mitigate impacts associated with Covered Projects and Activities.	
Species Objective 11.1: OCTA will restore and/or enhance riparian habitat adjacent to occupied southwestern willow flycatcher habitat.	**Restore**. OCTA has approved for funding the Aliso Creek restoration project, which includes 55.0 acres of riparian habitat restoration. The Aliso Creek restoration project has had three occurrences of southwestern willow flycatcher within the project site. The riparian habitat restoration and enhancement will provide an immediate benefit to southwestern willow flycatcher habitat.

Table ES-2. Biological Goals, Objectives, and Conservation Actions

Biological Goal or Objective	Conservation Actions[1]
Species Objective 11.2: OCTA will establish policies and procedures to avoid and minimize impacts to southwestern willow flycatcher habitat, including riparian habitat.	**Policy:** The Plan includes the policies that will require covered freeway improvement projects to be designed in a manner that avoids and/or minimizes impacts to sensitive biological resources, including riparian habitat. Temporary staging areas, access roads, and other project components that have the flexibility to be sited outside of sensitive areas will be incorporated into the project design. Best management practices will be followed to delineate environmentally sensitive areas and provide for training and monitoring to ensure these areas are protected. If temporary impacts to riparian habitat cannot be avoided, temporary impacts will be restored to their previous conditions. Other policies that will provide for the protection of southern willow flycatcher include the Nesting Birds Policy and Wildfire Protection Techniques.
Species Goal 12: Provide Conservation of **bobcat** within the Plan Area and minimize and mitigate impacts associated with Covered Projects and Activities.	
Species Objective 12.1: OCTA will protect and manage natural habitat that includes a combination of land cover types important for wildlife movement of large mammals such as bobcat.	**Acquire**. OCTA has acquired five Preserves totaling 888.8 acres of natural habitat in the Trabuco Canyon and Chino Hills areas. These Preserves are located in areas important for regional conservation and provide connectivity to other protected lands. They provide a diverse land cover beneficial for large mammal movement. Incidental observations of bobcat have been noted on the Hayashi Preserve, and photo monitoring on the O'Neill Oaks Preserve has detected bobcat as well.
Species Objective 12.2: OCTA will implement a restoration project(s) designed to improve wildlife movement by large mammals such as bobcat.	**Restore**. OCTA has approved for funding the West Loma restoration project, which includes fence realignment around a key wildlife corridor in the vicinity of the 241 toll road. With fencing improvements and the restoration of habitat along the wildlife corridor, the crossing becomes more attractive, reduces road kill, and improves connectivity for bobcat and other species.
Species Objective 12.3: OCTA will restore or enhance habitat through restoration projects that improve habitat connectivity and wildlife movement for bobcat.	**Restore**. OCTA has approved for funding four restoration projects totaling 117.2 acres of restored habitat located in areas highly important for habitat connectivity and wildlife movement. These restoration projects include North Coal Canyon (located in the Coal Canyon Linkage mapped by CBI), Big Bend (essential connection between Aliso and Wood Canyons Wilderness Park to the Laguna Coast Wilderness Park), Aliso Creek (riparian corridor linking several open space Preserves), and the City Parcel (located in the Trabuco and San Juan Creeks Linkage mapped by CBI).
Species Objective 12.4: OCTA will establish policies and procedures to avoid and minimize impacts to maintain wildlife movement corridors.	**Policy:** The Plan includes the Wildlife Crossing Policy that requires OCTA to perform pre-construction surveys to evaluate if an existing structure contributes to important wildlife movement. If it is determined that an existing structure does function as an important wildlife crossing, the Construction Lead will implement appropriate design features to ensure that the wildlife crossing experiences no decrease in functionality (i.e., no increase in mortality on the adjacent roadway and no decrease in wildlife using the undercrossing) after the freeway construction improvements are completed.

Table ES-2. Biological Goals, Objectives, and Conservation Actions

Biological Goal or Objective	Conservation Actions[1]
Species Goal 13: Provide Conservation of **mountain lion** within the Plan Area and minimize and mitigate impacts associated with Covered Projects and Activities.	
Species Objective 13.1: OCTA will protect and manage natural habitat that includes a combination of land cover types important for wildlife movement of large mammals such as mountain lion.	**Acquire**. OCTA has acquired five Preserves totaling 888.8 acres of natural habitat in the Trabuco Canyon and Chino Hills areas. These Preserves are located in areas important for regional conservation and provide connectivity to other protected lands. They provide a diverse land cover beneficial for large mammal movement. Recent observations of mountain lion have been noted on the O'Neill Oaks and Ferber Ranch Preserves.
Species Objective 13.2: OCTA will implement a restoration project(s) designed to improve wildlife movement by large mammals such as mountain lion.	**Restore**. OCTA has approved for funding the West Loma restoration project, which includes fence realignment around a key wildlife corridor in the vicinity of the 241 toll road. With fencing improvements and the restoration of habitat along the wildlife corridor, the crossing becomes more attractive, reduces road kill, and improves connectivity.
Species Objective 13.3: OCTA will restore or enhance habitat through restoration projects that improve habitat connectivity and provide benefits to wildlife movement for mountain lion.	**Restore**. OCTA has approved for funding four restoration projects totaling 117.2 acres of restored habitat located in areas highly important for habitat connectivity and wildlife movement. These restoration projects include North Coal Canyon (located in the Coal Canyon Linkage mapped by CBI), Big Bend (essential connection between Aliso and Wood Canyons Wilderness Park to the Laguna Coast Wilderness Park), Aliso Creek (riparian corridor linking several open space Preserves), and the City Parcel (located in the Trabuco and San Juan Creeks Linkage mapped by CBI).
Species Objective 13.4: OCTA will establish policies and procedures to avoid and minimize impacts to wildlife movement corridors.	**Policy:** The Plan includes a Wildlife Crossing Policy that requires OCTA to perform pre-construction surveys to evaluate if an existing structure contributes to important wildlife movement. If it is determined that an existing structure does function as an important wildlife crossing, the Construction Lead will implement appropriate design features to ensure that the wildlife crossing experiences no decrease in functionality (i.e., no increase in mortality on the adjacent roadway and no decrease in wildlife using the undercrossing) after the freeway construction improvements are completed.

[1] Conservation actions involving restoration projects include an estimate of conserved habitats based on conceptual restoration design plans. The final acreage of restored habitat may be refined during final restoration design and during implementation. Attainment of objectives dependent on restoration actions will be achieved once the restoration project meets the restoration design success criteria.

ORANGE COUNTY TRANSPORTATION AUTHORITY

Release Natural Community Conservation Plan/Habitat Conservation Plan and Draft Environmental Impact Report/Environmental Impact Statement

Attachment B

ATTACHMENT B

Ferber Ranch Preserve

Coastal California Gnatcatcher

Orangethroat Whiptail

Intermediate Mariposa Lily

Mountain Lion at Ferber Ranch Preserve

Cactus scrub restoration at UC Irvine Ecological Reserve

Western Pond Turtle

Pre-Draft Public Review

Environmental Impact Report / Environmental Impact Statement for the Orange County Transportation Authority Measure M2 Natural Community Conservation Plan / Habitat Conservation Plan

Prepared for:

Orange County Transportation Authority
550 S. Main Street
Orange, CA 92863

Prepared by:

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November 2013

U.S. FISH & WILDLIFE SERVICE

OCTA

PRE-DRAFT PUBLIC REVIEW

M2 NATURAL COMMUNITY CONSERVATION PLAN/HABITAT CONSERVATION PLAN EIR/EIS

This document is a draft for review by the Environmental Oversight Committee (EOC). Additional input and review will be obtained from the Wildlife Agencies before this document is presented to the OCTA Board of Directors and released for public review.

PREPARED FOR:

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November 2013

Executive Summary

This chapter provides a brief overview of the Measure M2 Natural Community Conservation Plan/Habitat Conservation Plan (M2 NCCP/HCP or Proposed Plan); and discusses the Proposed Plan's goals and objectives, alternatives considered, potential environmental consequences, and public issues and areas of controversy. This chapter also summarizes the evaluation of alternatives in terms of the Proposed Plan's goals and objectives and describes the process used to select the environmentally superior alternative under the California Environmental Quality Act (CEQA) and the environmentally preferred alternative under the National Environmental Policy Act (NEPA).

Overview

The Orange County Transportation Authority (OCTA) and U.S. Fish and Wildlife Service (USFWS) have prepared this joint Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) to evaluate the potential impacts associated with the issuance of incidental take permits (ITPs) by the California Department of Fish and Wildlife (CDFW) and USFWS for the M2 NCCP/HCP. The M2 NCCP/HCP has been prepared to fulfill the requirements for issuance of an incidental take permit under Section 10 of the federal Endangered Species Act (ESA) and incidental take authorization under Section 2835 of the state Fish and Game Code (California Natural Community Conservation Planning Act—NCCPA). The purpose of the proposed NCCP/HCP is to protect and enhance ecological diversity and function in Orange County, and to contribute to and enhance the integrity and connectivity of the existing protected lands in Orange County.

Background of the Proposed Plan

On November 6, 1990, Orange County voters approved Measure M, a 20-year, half-cent local transportation sales tax. All of the major projects promised to and approved by the voters in 1990 are complete. Funds that go to cities and the County of Orange to maintain and improve local streets and roads, along with transit-fare reductions for seniors and persons with disabilities, were components of Measure M, which ended on March 31, 2011. While the promises made in Measure M have been fulfilled, continued transportation investment still is needed as Orange County continues to grow.

In 2006, Orange County voters approved the renewal of Measure M (M2), a transportation sales tax designed to raise money to improve Orange County's transportation system. Among other things, OCTA proposed 13 freeway improvement projects through Measure M2. As part of the M2 program, at least 5%, or roughly over $300 million, of the freeway program revenues will be allocated to mitigate the environmental impacts of freeway projects, under the OCTA Mitigation and Resource Protection Program (MRPP). The goals of the MRPP are to engage in comprehensive, rather than piecemeal, mitigation to provide higher-value environmental benefits such as habitat protection, wildlife corridors, and resource preservation in exchange for streamlined project approvals for the freeway program as a whole.

The need for the Proposed Plan is based on the potential that the freeway improvement projects proposed by OCTA through the M2 transportation sales tax measure to result in take of Covered Species (defined in Chapter 2, "Proposed Plan and Alternatives"). In addition, the California

Department of Transportation (Caltrans) is the owner/operator of the freeway system and the improvements are subject to California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) jurisdiction within the Plan Area (i.e., the area in which impacts would be evaluated and conservation would occur). Because these actions could result in the take of Covered Species, they require issuance of individual incidental take permits on a project-by-project basis. The Proposed Plan would streamline the permitting process and assure that take of Covered Species is mitigated in a comprehensive manner through a broad strategy of species and habitat conservation.

In late 2009, the OCTA Environmental Oversight Committee (EOC) and Board of Directors approved the Master Agreement and Planning Agreement to establish the process, roles, responsibilities, and commitments for the preparation of the M2 NCCP/HCP. The goal of this effort is to provide an effective framework to protect and enhance natural resources in Orange County, while improving and streamlining the environmental permitting process for impacts of M2-related projects and activities on sensitive, threatened, and endangered species and their habitats.

Accordingly, OCTA, CDFW and USFWS have identified the following purposes/objectives.

- Streamlining the environmental permitting process for impacts on endangered species by authorizing take of listed and other Covered Species impacted, or potentially impacted, by covered transportation projects in Orange County.
- Reducing the cost and increasing the clarity and consistency of federal and state permitting.
- Sharing the costs and benefits of the habitat conservation plan as widely and equitably as possible.
- Improving the coordination and biological effectiveness of individual project mitigation.
- Protecting and enhancing ecological diversity and function in Orange County, and contributing to and enhancing the integrity and connectivity of the existing protected lands in Orange County.

This Draft EIR/EIS describes the features of the Proposed Plan and its alternatives, including the No Project/No Action Alternative. As required by CEQA and NEPA, this Draft EIR evaluates the potential impacts of the Proposed Plan and all alternatives.

This Draft EIR/EIS incorporates by reference the OCTA Long Range Transportation Plan (LRTP) Program EIR, particularly in the analysis of covered freeway improvement projects in Chapter 4, "Environmental Consequences." The LRTP Program EIR was certified in 2006 along with associated CEQA findings, including a Statement of Overriding Considerations for LRTP impacts that would potentially remain significant after mitigation. The Draft EIR/EIS prepared for the M2 NCCP/HCP is intended to provide CEQA and NEPA compliance for all preserve acquisition and management activities described in the Proposed Plan regarding impacts on Covered Species and jurisdictional wetlands and waters. Covered freeway improvement projects that receive take coverage under the NCCP/HCP must also comply with additional review for CEQA (and NEPA when triggered) through separate project-specific environmental analyses. OCTA and Caltrans would be required to prepare the appropriate environmental documents and to comply with any mitigation requirements identified as part of project-specific environmental review, as well as any mitigation measures contained in the general plans for each of the participating jurisdictions.

Alternatives Analyzed in the Draft EIR/EIS

Alternative 1: No Project/No Action

Under the No Project/No Action Alternative, the proposed NCCP/HCP, including implementation of conservation measures and creation of a Preserve System, would not be adopted, and permits pursuant to Section 10(a)(1)(B) of ESA and Section 2835 of the NCCPA would not be issued by USFWS and CDFW, respectively.

Under the No Project/No Action Alternative, compliance with ESA and CESA would continue to be addressed project-by-project for each of the M2 freeway projects. Freeway projects with a potential to affect federally listed species would be required to individually comply with ESA through either the preparation of individual habitat conservation plans (HCPs) and Section 10 permit application, or the Section 7 consultation process in cases in which federal authorization (e.g., Section 404 Clean Water Act [CWA] permitting by the U.S. Army Corps of Engineers [USACE]) or funding (e.g., Federal Highway Administration [FHWA] funding for transportation projects) are required. Section 7 compliance would focus on federally listed species and would not address state-listed or non-listed species.

No comprehensive strategies to avoid, minimize, or mitigate effects on sensitive species would be implemented under the No Project/No Action Alternative. No measures that provide for species recovery, as required under NCCPA, would be implemented. With project-by-project conservation and mitigation, listed and non-listed species would not benefit from the landscape-scale conservation actions that would otherwise be implemented through the NCCP/HCP.

Currently, the permitting and mitigation of impacts on special-status species associated with implementation of freeway projects in Orange County is undertaken on a project-by-project basis, which does not provide a mechanism for coordinating regional conservation and can result in potentially less effective biological mitigation.

Alternative 2: Proposed NCCP/HCP (Proposed Plan)

The proposed NCCP/HCP is a regional, comprehensive plan that establishes a framework for complying with state and federal endangered species regulations while accommodating future transportation improvements within the Plan Area. The Proposed Plan is designed to coordinate the process for permitting and mitigating the take of Covered Species associated with implementation of freeway projects in Orange County by implementing a broad strategy for conservation of species and habitats.

The Plan proposes 13 listed and non-listed species for coverage. The Proposed Plan identifies a number of Covered Activities (defined in Chapter 2, “Proposed Plan and Alternatives”) including the specific M2 freeway improvement projects and conservation activities in the Preserve Areas, that may result in take of federal- and/or state-listed species or species that may become listed during the 40-year Permit term. These projects and activities are considered in assessing the total amount of Covered Species take that would be expected in the Permit Area and in developing the overall NCCP/HCP conservation strategy. The issuance of ITPs for the Proposed Plan does not confer or imply authorization of any specific covered freeway improvement projects; all covered freeway improvement projects would be subject to future discretionary approval authority within the individual jurisdictions where the activity or project would occur. The ITPs for the Proposed Plan would only authorize conservation and management activities within the NCCP/HCP preserved lands.

The primary responsibility for Plan implementation rests with OCTA. However, as described in the Proposed Plan, other groups would have secondary responsibility for coordination, plan compliance, and implementation of various aspects of the Proposed Plan. Implementation of the conservation strategy, monitoring program, Covered Project and Activities approvals, and reporting will require coordinated actions among OCTA, Caltrans, Preserve Managers, Monitoring Biologists, Restoration Project Sponsors, and Wildlife Agencies.

In order to comply with the requirements of the ESA, the California Endangered Species Act (CESA), and the NCCPA, the Proposed Plan addresses a number of required elements, including species and habitat goals and objectives; the evaluation of Covered Projects and Activities effects on Covered Species, including indirect and cumulative effects; a conservation strategy; a monitoring and adaptive management program; descriptions of changed circumstances and remedial measures; and identification of funding sources. The key elements of the Proposed Plan are described in Chapter 2.

Non-Covered Species that occur within the Plan Area would continue to be regulated under CESA and ESA. Take of non-covered listed species can be authorized separately from the Proposed Plan under Section 2081 of the Fish and Game Code, or Sections 7 or 10 of the ESA. Impacts on species not covered under the Proposed Plan could also be addressed through the amendment process described in Chapter 8, "Plan Implementation," of the Proposed Plan.

Alternative 3: Federal and State ESA-Listed Species Only NCCP/HCP (Reduced Plan)

Under the Reduced Plan Alternative, only those species that are federally or state-listed as threatened or endangered would be proposed for coverage under the NCCP/HCP. Accordingly, only the following three species would be covered under Alternative 3.

- Southwestern willow flycatcher (*Empidonax traillii extimus*)
- Least Bell's vireo (*Vireo bellii pusillus*)
- Coastal California gnatcatcher (*Polioptila californica californica*)

The amount of land acquisition and Preserve Area assembled would be identical to that of the Proposed Plan. The amount of species-specific habitat restoration required would be less, however, because the conservation strategy measures would be focused only on the three ESA-listed species mentioned above.

Under the Reduced Plan Alternative, no assurances would be provided by USFWS, as part of the ITPs, that the avoidance and mitigation measures provided in the proposed NCCP/HCP would adequately conserve currently non-listed species that may be listed during the term of the NCCP/HCP. Other sensitive species would not be covered, and take would be addressed on a project-by-project basis, similar to the No Project/No Action alternative.

Environmental Consequences

This Draft EIR/EIS evaluates the environmental consequences of the Proposed Plan and its alternatives. A summary of the impact analysis for these alternatives is presented at the end of this chapter (Table ES-1) and in Chapter 4, "Environmental Consequences." In addition, CEQA and NEPA require a review of other issues, which are described in Chapter 5, "Other Required CEQA and NEPA Analyses," of this Draft EIR/EIS.

Significant and Unavoidable Impacts

As evaluated in Chapter 4, "Environmental Consequences," there would be no significant unavoidable (i.e., unmitigable) impacts that would result from conservation activities under the Proposed Plan or its alternatives. All potentially significant impacts resulting from Proposed Plan implementation would either be avoided or would be reduced to below a level of significance with the mitigation measures identified in this Draft EIR/EIS.

Regarding the underlying freeway improvement project impacts, analysis was incorporated by reference from OCTA's 2006 LRTP Program EIR. Some freeway improvement impacts were determined to be significant and unavoidable and a Statement of Overriding Considerations was adopted for the LRTP Program EIR. The freeway improvement impact conclusions have been added in this Draft EIR/EIS analysis for informational purposes only, and these conclusions are not modified in any way by the impact analysis provided herein for the biological mitigation and conservation activities.

Areas of Controversy/Issues

OCTA released a Notice of Preparation (NOP) for the Draft EIR on December 3, 2010, initiating the scoping period. A Notice of Intent (NOI) to prepare an EIS was noticed in the *Federal Register* on December 1, 2010. Written comments were received by OCTA during the scoping period (December 1, 2010, to January 13, 2011). These comments are included as Appendix B to this document.

A scoping meeting was held on Wednesday, December 15, 2010, from 5 p.m. to 7 p.m. at OCTA offices (550 South Main Street, Orange, CA 92863). There were 11 attendees at the scoping meeting. Also in attendance were staff members representing CDFW and USFWS. Attendees represented a variety of community groups, including, residents, environmental groups, and the Orange County Planning Department.

At the scoping meeting, team members were present to provide information to the public on the details of the Proposed Plan, including: the background of the environmental mitigation program, program benefits to the county, components of an NCCP/HCP, descriptions of Covered Species, location of the Plan Area, and the program's next steps. The meeting also informed the public about the details of the environmental process and served as an opportunity for the community to provide feedback to help guide the Plan's development.

The following key issues of public concern regarding the Proposed Plan were identified during the scoping process.

Biological Resources

- Wildlife and endangered species protection must be a priority.
- The January 2011 Department of Interior USFWS Final Critical Habitat for the Arroyo Toad Unit #8 Santa Ana River Basin should be incorporated.
- Continued acquisition and management of lands within the Puente-Chino Hills Wildlife Corridor would further connectivity between this area and Orange County extending to the Santa Ana Mountains.

- Measures should be incorporated into the NCCP/HCP that promote wildlife movement and habitat connectivity within the Puente Chino Hills Wildlife Corridor.
- The Draft EIR/EIS should include a complete assessment of sensitive biological resources and a discussion of direct, indirect, and cumulative impacts on biological resources within and adjacent to the Plan Area.
- Development within wetlands is discouraged.
- Conservation easements should be placed on all acquisition and restoration properties to ensure proper protection.
- The NCCP/HCP should clearly define compatible uses.

Cultural Resources

- Native American Cultural Resources were identified in the Plan Area vicinity as a part of the Native American Heritage Commission (NAHC) Sacred Land File.
- Avoidance of cultural resources in accordance with CEQA should be considered.
- Consultation with Native American tribes regarding the Plan should be conducted in compliance with federal requirements.

Funding

- There is potential lack of funding for execution and maintenance of the Proposed Plan.

Land Use

- Certain areas identified for conservation in the Conservation Assessment completed by Conservation Biology Institute are identified as Planning Areas for future development by Rancho Mission Viejo.

Water Quality

- Runoff from the NCCP/HCP must conform to Regional Water Quality Control Board discharge requirements.

CEQA Process

- Each project proposed associated with the NCCP/HCP must have subsequent environmental documentation, and associated technical studies must adhere to Caltrans protocol.
- The Draft EIR/EIS should cover mitigation for losses of habitat associated with highway projects, long-term management of the Preserve Areas, and funding mechanisms.

Summary of Alternative Impacts

Table ES-1 provides an overall summary and comparison of impacts by resource topic across the alternatives. Detailed discussions of potential resource topic impacts by alternative are provided in Chapter 4, “Environmental Consequences.”

Environmentally Superior/Preferred Alternative

The impacts associated with Alternatives 2 and 3 are qualitatively similar, though Alternative 2 would provide for a greater level of conservation, particularly through increased restoration. The overall benefit to species would therefore be greater under Alternative 2, without a measurable difference in impacts on the environment. Therefore, the environmentally superior/preferred alternative is Alternative 2, the Proposed Plan.

Table ES-1. Overall Impacts Summary by Resource Topic for All Alternatives[1]

	Alternative 1: No Project/No Action		Alternative 2: Proposed Plan		Alternative 3: Reduced Plan	
Resource Topic	Impact Finding	Summary	Impact Finding	Summary	Impact Finding	Summary
Agriculture	0	Covered freeway improvement projects and the biological mitigation and conservation activities would not impact agricultural resources. The possibility exists that parcels of land needed to meet mitigation required for individual covered freeway improvement projects could impact Important Farmland or Williamson Act lands; however, such effects are unlikely and speculative because the sites are not known at this time.	0	There would be no impact on prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use, as the acquired Preserve Areas and areas for the covered freeway improvement projects do not contain land designated as such. Agricultural impacts associated with the biological mitigation and conservation activities under Alternative 2 would not occur.	0	Effects under Alternative 3 would be the same as Alternative 2. Agricultural impacts associated with the biological mitigation and conservation activities under Alternative 3 would not occur.
Air Quality and Greenhouse Gases[2]	–	As described in the LRTP Program EIR, covered freeway improvement project construction activities under Alternative 1 would create short-term temporary air emissions. Construction activities associated with transportation facilities of any medium- to large-scale highways or arterials would be expected to individually generate a significant amount of construction activity and therefore exceed the	–	In addition to the impacts from covered freeway improvement projects, Alternative 2 preserve management activity emissions would temporarily generate criteria pollutant (ROG, NO_X, SO_X, CO, PM10, and PM2.5) and GHG (CO_2, CH_4, and N_2O) emissions, which could result in adverse effects on short-term ambient air quality and climate change. Daily emissions estimates would be well below SCAQMD daily mass regional and localized threshold levels, annual emissions	–	Effects under Alternative 3 would be the same as Alternative 2. Air quality and greenhouse gas impacts associated with the biological mitigation and conservation activities under Alternative 3 would be less than significant.

Resource Topic	Alternative 1: No Project/No Action Impact Finding	Alternative 1: No Project/No Action Summary	Alternative 2: Proposed Plan Impact Finding	Alternative 2: Proposed Plan Summary	Alternative 3: Reduced Plan Impact Finding	Alternative 3: Reduced Plan Summary
		significance thresholds established in the CEQA Handbook. This would create a potentially significant short-term impact. These impacts would occur in localized areas, depending on the construction site locations. Air quality and greenhouse gas impacts associated with the biological mitigation and conservation activities under Alternative 1 would be less than significant.		estimates would be well below federal de minimis levels, and annual emissions estimates would be well below both SCAQMD draft GHG thresholds (3,000 MT) and CEQ's reference point (25,000 MT). Air quality and greenhouse gas impacts associated with the biological mitigation and conservation activities under Alternative 2 would be less than significant.		
Biological Resources	–	Covered freeway improvement projects under Alternative 1 would have an overall negative effect on biological resources. While project-by-project mitigation may be effective at targeting and preserving high-value habitat, the creation of smaller mitigation sites would likely result in ineffective species conservation across the landscape. Smaller preserve areas may fail to meet preserve design standards to maximize preserve size, incorporate environmental gradients, minimize edges, and preserve habitat linkages. Furthermore, the absence of a	++	Alternative 2 achieves a higher-value conservation than what would be expected through project-by-project mitigation of the covered freeway improvement projects. Conservation would be completed in a comprehensive manner under the NCCP/HCP that would result in large blocks of preserved and restored habitat in locations important for regional conservation. Biological resource impacts associated with the biological mitigation and conservation activities under Alternative 2 would be less than significant.	+	Alternative 3 achieves a higher-value conservation than what would be expected through project-by-project mitigation of the covered freeway improvement projects (i.e., Alternative 1); however, beneficial effects on Covered and Non-Covered Species would be reduced since the level of species-specific management and restoration efforts would be slightly less with fewer Covered Species. Biological resource impacts associated with the biological mitigation and conservation activities under Alternative 3 would be less than significant.

Resource Topic	Alternative 1: No Project/No Action Impact Finding	Alternative 1: No Project/No Action Summary	Alternative 2: Proposed Plan Impact Finding	Alternative 2: Proposed Plan Summary	Alternative 3: Reduced Plan Impact Finding	Alternative 3: Reduced Plan Summary
		comprehensive monitoring and adaptive management program would create less certainty in the long-term success of mitigation sites. Biological resource impacts associated with the biological mitigation and conservation activities would be potentially significant and unavoidable under Alternative 1.				
Cultural Resources[2]	–	The potential exists under Alternative 1 for earthmoving activities of covered freeway improvement project activities to have impacts on known and unknown archeological, historic, built environment, and paleontological resources. Potential impacts on these resources would remain significant after implementation of mitigation measures. Therefore, cultural resource impacts associated with the biological mitigation and conservation activities would be potentially significant and unavoidable under Alternative 1.	–	Effects under Alternative 2 would be reduced when compared with Alternative 1 because the preserve sites are known, and cultural resource impacts would be mitigated to less than significant or avoided entirely. Therefore, cultural resource impacts associated with the biological mitigation and conservation activities under Alternative 2 would be less than significant after mitigation is incorporated.	–	Effects under Alternative 3 would be the same as Alternative 2. Therefore, cultural resource impacts associated with the biological mitigation and conservation activities under Alternative 3 would be less than significant after mitigation is incorporated.

	Alternative 1: No Project/No Action		Alternative 2: Proposed Plan		Alternative 3: Reduced Plan	
Resource Topic	Impact Finding	Summary	Impact Finding	Summary	Impact Finding	Summary
Geology, Soils, and Seismicity[2]	–	As documented in the LRTP Program EIR, covered freeway improvement projects under Alternative 1 could result in substantial grading or other earth modifications that could generate air and waterborne erosion and slope failure. Earthwork or major cuts into hillsides could create unstable slope conditions and lead to long-term soil erosion, creating potential landslide and falling rock hazards. Therefore, potential impacts related to long-term erosion and slope failure due to covered freeway improvement projects have the potential to generate significant erosion and slope failure impacts, and the LRTP Program EIR identified this impact as significant and unavoidable. However, geology, soils, and seismicity impacts associated with the biological mitigation and conservation activities under Alternative 1 would be less than significant.	–	In addition to impacts from covered freeway improvement projects which would be the same as under Alternative 1, any minor construction resulting from covered preserve management activities under Alternative 2, such as the installation of preserve management offices, maintenance sheds, restrooms, wildlife observation platforms, or educational kiosks, would be built according to appropriate standards, including the current IBC and CBC. Geology, soils, and seismicity impacts associated with the biological mitigation and conservation activities under Alternative 2 would be less than significant.	–	Effects under Alternative 3 would be the same as Alternative 2. Geology, soils, and seismicity impacts associated with the biological mitigation and conservation activities under Alternative 3 would be less than significant.
Hazards and Hazardous Materials	–	Covered freeway improvement projects under Alternative 1 would have potential for accidental release of hazardous	–	Effects under Alternative 2 would be the same as Alternative 1. Hazards and hazardous materials impacts associated with the biological	–	Effects under Alternative 3 would be the same as Alternative 2. Hazards and hazardous materials impacts associated with the biological

Resource Topic	Alternative 1: No Project/No Action Impact Finding	Summary	Alternative 2: Proposed Plan Impact Finding	Summary	Alternative 3: Reduced Plan Impact Finding	Summary
		materials or the disturbance of contaminated soils. However, impacts would be less than significant impacts after mitigation. Hazards and hazardous materials impacts associated with the biological mitigation and conservation activities under Alternative 1 would be less than significant after mitigation.		mitigation and conservation activities under Alternative 2 would be less than significant after mitigation.		mitigation and conservation activities under Alternative 3 would be less than significant after mitigation.
Hydrology and Water Quality	–	Covered freeway improvement projects under As documented in the LRTP Program EIR, Alternative 1 would result in temporary and permanent impacts on drainage and stormwater quality, including the general categories of increased stormwater runoff from increased impervious surfaces, increased amounts of automotive waste transported into local drainages, increased erosion and siltation in local drainages, degradation of groundwater quality, and exposure to flooding. The LRTP Program EIR determined that this impact during project operation would be significant and unavoidable. However, for the	+	While covered freeway improvement project impacts would be the same as Alternative 1, the implementation of an NCCP/HCP would result in a larger acreage of biological resources mitigation/ conservation that would also benefit hydrology and water quality. The acquisition of large blocks of Preserve lands and funding of restoration projects would contribute to the protection and enhancement of natural hydrologic functions and improvement of water quality. Hydrology and water quality impacts from the biological mitigation and conservation activities under Alternative 2 would be less than significant.	+	Effects under Alternative 3 would be the same as Alternative 2. Hydrology and water quality impacts from the biological mitigation and conservation activities under Alternative 3 would be less than significant.

Resource Topic	Alternative 1: No Project/No Action Impact Finding	Alternative 1: No Project/No Action Summary	Alternative 2: Proposed Plan Impact Finding	Alternative 2: Proposed Plan Summary	Alternative 3: Reduced Plan Impact Finding	Alternative 3: Reduced Plan Summary
		biological mitigation and conservation activities, the incorporation of project design features, along with the use of identified BMPs, would reduce potential hydrology and water quality impacts to less than significant.				
Land Use	–	Under Alternative 1, development within the incorporated portions of the county would be consistent with general plan guidance; however, mitigation for covered freeway improvement impacts would occur on a case-by-case basis and could result in inconsistencies between existing, adjacent, and planned land uses. The LRTP Program EIR identified a significant and unavoidable impact related to land use for the covered freeway improvement projects. However, land use impacts related to the biological mitigation and conservation activities under Alternative 1 would be less than significant.	+	Impacts associated with covered freeway improvement projects would the same as Alternative 1. Restoration activities would not result in changes in land use from the current nature of the Preserves that would result in environmental impacts. Alternative 2 would have beneficial impact on recreational resources by protecting the Preserve Areas from development and increasing the availability of passive recreational resources on properties that were privately owned. Land use impacts from the biological mitigation and conservation activities under Alternative 2 would be less than significant.	+	Effects under Alternative 3 would be the same as Alternative 2. Land use impacts from the biological mitigation and conservation activities under Alternative 3 would be less than significant.

	Alternative 1: No Project/No Action		Alternative 2: Proposed Plan		Alternative 3: Reduced Plan	
Resource Topic	Impact Finding	Summary	Impact Finding	Summary	Impact Finding	Summary
Noise[2]	–	The LRTP Program EIR determined that long-term noise impacts from the covered freeway improvement projects would be significant and unavoidable, and construction activities associated with covered freeway improvement projects under Alternative 1 would generate noise from the movement of construction vehicles, and construction activities. Noise impacts associated with the biological mitigation and conservation strategies under Alternative 1 would result in minimal to no operational noise and much less construction activity and its associated noise. Furthermore, construction activities would be carried out in compliance with the California Department of Transportation (Caltrans) Construction Noise Criteria, and mitigation measures would be implemented to reduce impacts to less than significant.	–	In addition to noise associated with covered freeway improvement projects as under Alternative 1, Alternative 2 could result in specific construction-related noise from restoration and conservation management activities (e.g., invasive species removal) within the Preserve System. Conservation activities under the Proposed Plan would not result in long-term noise-sensitive land uses being exposed to noise in excess of an established standard because implementation of the Proposed Plan would not result in permanent noise. Furthermore, all construction activities would be carried out in compliance with Caltrans Construction Noise Criteria, and mitigation measures would be implemented. Therefore, noise impacts from the biological mitigation and conservation activities under Alternative 2 would be less than significant with mitigation incorporated.	–	Effects under Alternative 3 would be the same as Alternative 2. Noise impacts from the biological mitigation and conservation activities under Alternative 3 would be less than significant with mitigation incorporated.

	Alternative 1: No Project/No Action		Alternative 2: Proposed Plan		Alternative 3: Reduced Plan	
Resource Topic	Impact Finding	Summary	Impact Finding	Summary	Impact Finding	Summary
Socioeconomics and Environmental Justice	–	The LRTP Program EIR determined that the development of covered freeway improvement projects under Alternative 1 could result in the disturbance and/or loss of land currently used for residential or business purposes. The acquisition and relocation of existing homes and businesses required by certain projects that are part of the LRTP would result in a less than significant impact after mitigation. Socioeconomic impacts associated with the biological mitigation and conservation activities would be less than significant because the conservation of land would not substantially affect, in an adverse manner, the provision of housing, employment, and economic well-being.	–	Covered freeway improvement effects, as well as biological mitigation and conservation activities, on housing, employment, and economic well-being under Alternative 2 would be the same as those described under Alternative 1. Impacts would be less than significant.	–	Effects under Alternative 3 would be the same as Alternative 2. Impacts would be less than significant.
			+	In addition to impacts from covered freeway improvement projects as described in Alternative 1, construction activities in Preserve Areas under Alternative 2 would have beneficial impacts on employment and the local economy. No adverse impact would occur.	+	
	+	Construction of covered freeway improvement projects would have a beneficial impact on employment and the local economy, which is burdened by the continuing effects of the recession following the financial crisis. Therefore, the				

Resource Topic	Alternative 1: No Project/No Action Impact Finding	Alternative 1: No Project/No Action Summary	Alternative 2: Proposed Plan Impact Finding	Alternative 2: Proposed Plan Summary	Alternative 3: Reduced Plan Impact Finding	Alternative 3: Reduced Plan Summary
		Proposed Plan may also have beneficial effects on employment and the local economy for minority and low-income groups through the conservation of biological resources in the community. Impacts would be less than significant.				
Transportation and Circulation	+	Based on the analysis completed in the LRTP Program EIR, short-term traffic impacts associated with covered freeway improvement projects under Alternative 1 could occur during construction activities. Covered freeway improvement projects would have a positive effect on the transportation system in Orange County (OCTA 2006) and would not conflict with applicable congestion management plans, ordinances, or policies. Moreover, implementation of biological mitigation and conservation activities would result in less-than-significant impacts under Alternative 1.	+	In addition to the short-term traffic impacts associated with covered freeway improvement projects under Alternative 1, conservation activities under Alternative 2 could impact congestion levels during restoration activities, but this impact would be less than significant and mitigation would not be required. As with Alternative 1, covered freeway improvement projects would have a positive effect on the transportation system in Orange County (OCTA 2006) and would not conflict with applicable congestion management plans, ordinances, or policies. Implementation of biological mitigation and conservation activities would result in less-than-significant impacts under Alternative 2.	+	Effects under Alternative 3 would be the same as Alternative 2. Implementation of biological mitigation and conservation activities would result in less-than-significant impacts under Alternative 3.

	Alternative 1: No Project/No Action		Alternative 2: Proposed Plan		Alternative 3: Reduced Plan	
Resource Topic	Impact Finding	Summary	Impact Finding	Summary	Impact Finding	Summary

[1] The findings within this table are for the purpose of evaluating the Proposed Plan and based on the information presented in the OCTA LRTP Program EIR (2006).

[2] The OCTA LRTP Program EIR (2006) identified potentially significant unavoidable effects resulting from covered freeway improvement projects in this environmental resource topic.

Notes:

0 = no substantial change relative to current conditions

– = negative trend relative to current conditions

+ = positive trend relative to current conditions

++ = substantial positive trend relative to current conditions

ORANGE COUNTY TRANSPORTATION AUTHORITY

Release Natural Community Conservation Plan/Habitat Conservation Plan and Draft Environmental Impact Report/Environmental Impact Statement

Attachment C

ATTACHMENT C

Environmental Mitigation Program Current and Anticipated Expenditures

Actions				Estimated Amount
1.0 Preserve Acquisition and Management				
1.1	Acquisition			
1.1.1	Acquired			$24,921,119
1.1.2	Future Acquisitions			$7,362,361
			SUBTOTAL	**$32,283,480**
1.2	Start Up Expenditures			**$2,659,109**
1.3	Interim Preserve Management*			**$9,522,613**
1.4	Permanent, Non-Wasting Endowment			**$56,000,000**
2.0 Restoration Projects				
2.1	Round 1			**$5,362,500**
2.2	Round 2			**$4,716,080**
2.2.7	Future			**$421,420**
2.3	Round 3 Future			**$5,000,000**
2.4	Round 4			**$5,000,000**
3.0 Plan Development				
3.1	NCCP/HCP Plan Development			**$2,500,000**
4.0 Debt Service				
4.1	Interests on Early Action Plan			**$37,197,937**
		*Includes ten-year escalation **Preliminary estimates subject to change	TOTAL	**$160,663,139****